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HANSARD'S

PARLIAMENTARY DEBATES:

THIRD SERIES,

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

15° VICTORIÆ, 1852.

VOL. CXIX.

COMPRISING THE PERIOD FROM

THE THIRD DAY OF FEBRUARY,

TO

THE TWENTY-SECOND DAY OF MARCH, 1852.

First Volume of the Session.

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1852.

LONDON
GEORGE WOODFALL AND SON,
ANGEL COURT, SKINNER STREET.

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LIST OF THE MINISTRY OF THE RIGHT HON. THE EARL OF DERBY.

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THE MINISTRY,

AS FORMED BY THE RIGHT HON. THE EARL OF DERBY IN MARCH, 1852.

IN THE CABINET.

First Lord of the Treasury	Right Hon. Earl of Derby.
Lord Chancellor	Right Hon. Lord St. Leonards.
Chancellor of the Exchequer	Right Hon. Benjamin Disraeli.
President of the Council	Right Hon. Earl of Lonsdale.
Privy Seal	Most Hon. Marquess of Salisbury.
Home Secretary	Right Hon. Spencer Horatio Walpole.
Foreign Secretary	Right Hon. Earl of Malmesbury.
Colonial Secretary	Right Hon. Sir John Somerset Pakington, Bart.
First Lord of the Admiralty	Most Noble Duke of Northumberland.
President of the Board of Control	Right Hon. John Charles Herries
Postmaster General	Right Hon. Earl of Hardwicke.
President of the Board of Trade	Right Hon. Joseph Warner Henley.
First Commissioner of Works and Public Buildings	Right Hon. Lord John James Robert Manners.

NOT IN THE CABINET.

Commander in Chief	Most Noble Duke of Wellington.
Master General of the Ordnance	Right Hon. Viscount Hardinge.
Paymaster of the Forces, and Vice-President of the Board of Trade	Right Hon. Lord Colchester.
Secretary at War	Right Hon. William Beresford.
Chancellor of the Duchy of Lancaster	Right Hon. Robert Adam Christopher.
Joint Secretaries of the Treasury	William Forbes Mackenzie, Esq., and George Alexander Hamilton, Esq.
Secretary of the Admiralty	Stafford Augustus O'Brien Stafford, Esq.
Under Secretary for the Home Department	Sir William Hylton Jolliffe, Bart.
Under Secretary for Foreign Affairs	Lord Stanley.
Under Secretary for the Colonies	Right Hon. Earl of Desart.
Secretaries of the Board of Control	Charles Lennox Cumming Bruce, Esq., and Henry James Baillie, Esq.
Lords of the Treasury	Marquess of Chandos, Lord Henry George Charles Gordon Lennox, and Thomas Bateson, Esq.
Lords of the Admiralty	Rear Admiral Hyde Parker, C.B., Rear Admiral Phipps Hornby, C.B., Captain Sir Thomas Herbert, K.C.B., Captain Hon. Arthur Duncombe, and Captain Alexander Milne.
Clerk of the Ordnance	Colonel Francis Plunket Dunne.
Attorney General	Sir Frederick Thesiger, Knt.
Solicitor General	Sir FitzRoy Kelly, Knt.
Judge-Advocate General	Right Hon. George Bankes.
Chief Poor Law Commissioner	Right Hon. Sir John Trollope, Bart.

SCOTLAND.

Lord Advocate	Right Hon. Adam Anderson.
Solicitor General	John Inglis, Esq.

IRELAND.

Lord Lieutenant	Right Hon. Earl of Eglintoun.
Lord Chancellor	Right Hon. Francis Blackburne.
Chief Secretary	Right Hon. Lord Naas.
Attorney General	Right Hon. Joseph Napier.
Solicitor General	James Whiteside, Esq.

QUEEN'S HOUSEHOLD.

Lord Steward	Most Noble Duke of Montrose.
Lord Chamberlain	Most Hon. Marquess of Exeter.
Master of the Horse	Right Hon. Earl of Jersey.
Master of the Buckhounds	Right Hon. Earl of Rosslyn.
Vice-Chamberlain	Right Hon. Viscount Newport.
Treasurer of the Household	Right Hon. Lord Claud Hamilton.
Comptroller of the Household	Right Hon. George Cecil Weld Forester.
Chief Equerry and Clerk Marshal	Right Hon. Lord Colville.
Mistress of the Robes	Duchess of Athol.

THE MINISTRY.

IN THE CABINET.

First Lord of the Treasury	Right Hon. Lord John Russell.
Lord Chancellor	Right Hon. Lord Truro.
Chancellor of the Exchequer	Right Hon. Sir Charles Wood, Bt.
President of the Council	Most Hon. Marquess of Lansdowne.
Privy Seal	Right Hon. Earl of Minto.
Home Secretary	Right Hon. Sir George Grey, Bt.
Foreign Secretary	Right Hon. Earl Granville.
Colonial Secretary	Right Hon. Earl Grey.
First Lord of the Admiralty	Right Hon. Sir Francis Thornhill Baring, Bt.
Chancellor of the Duchy of Lancaster	Right Hon. Earl of Carlisle.
President of the Board of Control	Right Hon. Fox Maule.
Postmaster General	Most Hon. Marquess of Clanricarde.
President of the Board of Trade	Right Hon. Henry Labouchere.
First Commissioner of Works and Public Buildings	Right Hon. Lord Seymour.

NOT IN THE CABINET.

Commander in Chief	Duke of Wellington.
Master General of the Ordnance	Most Hon. Marquess of Anglesey.
Paymaster of the Forces, and Vice-President of the Board of Trade	Right Hon. Lord Stanley of Alderley.
Secretary at War	Right Hon. Robert Vernon Smith.
Joint Secretaries of the Treasury	Right Hon. William Goodenough Hayter, and George Cornewall Lewis, Esq.
Secretary of the Admiralty	John Parker, Esq.
Under Secretary for the Home Department	Hon. Edward Pleydell Bouverie.
Under Secretary for Foreign Affairs	Austen Henry Layard, Esq.
Under Secretary for the Colonies	Frederick Peel, Esq.
Secretaries of the Board of Control	Hon. J. E. Elliot, and James Wilson, Esq.
Lords of the Treasury	Sir William Gibson Craig, Bt., Henry Rich, Esq., and Richard Montesquieu Bellew, Esq.
Lords of the Admiralty	Rear Admiral James Whitley Deans Dundas, Rear Admiral Maurice Frederick Fitzhardinge Berkeley, Rear Admiral Houston Stewart, Captain Alexander Milne, and Hon. William Francis Cowper.
Surveyor General of the Ordnance	Major General Charles Richard Fox.
Clerk of the Ordnance	Hon. Major General George Anson.
Attorney General	Sir Alexander James Edmund Cockburn, Knt.
Solicitor General	Sir William Page Wood, Knt.
Judge-Advocate General	Right Hon. Sir David Dundas, Knt.
Chief Poor Law Commissioner	Right Hon. Matthew Talbot Baines.

SCOTLAND.

Lord Advocate	Right Hon. James Moncreiff.
Solicitor General	George Deas, Esq.

IRELAND.

Lord Lieutenant	Right Hon. Earl of Clarendon.
Lord Chancellor	Right Hon. Maziere Brady.
Chief Secretary	Right Hon. Sir William Meredyth Somerville, Bt.
Attorney General	Right Hon. John Hatchell.
Solicitor General	Henry George Hughes, Esq.

QUEEN'S HOUSEHOLD.

Lord Steward	Most Hon. Marquess of Westminster.
Lord Chamberlain	Most Hon. Marquess of Breadalbane.
Master of the Horse	Duke of Norfolk.
Master of the Buckhounds	Right Hon. Earl of Bessborough.
Vice-Chamberlain	Right Hon. Lord Edward Howard.
Treasurer of the Household	Right Hon. Lord Arthur Marcus Cecil Hill.
Comptroller of the Household	Right Hon. Earl of Mulgrave.
Chief Equerry and Clerk Marshal	Lord Alfred Henry Paget.
Mistress of the Robes	Duchess of Sutherland.

ROLL OF THE

LORDS SPIRITUAL AND TEMPORAL

IN THE *FIFTH SESSION* OF THE *FIFTEENTH PARLIAMENT* OF THE UNITED KINGDOM OF *GREAT BRITAIN* AND *IRELAND*.

15° VICTORIÆ, 1852.

His Royal Highness THE PRINCE of WALES.

His Royal Highness GEORGE FREDERICK ALEXANDER CHARLES ERNEST AUGUSTUS Duke of CUMBERLAND and TEVIOTDALE. (*King of Hanover.*)

His Royal Highness GEORGE WILLIAM FREDERICK CHARLES Duke of CAMBRIDGE.

JOHN BIRD Archbishop of CANTERBURY.

THOMAS Lord TRURO, *Lord Chancellor.*

THOMAS Archbishop of YORK.

JOHN GEORGE Archbishop of ARMAGH.

HENRY Marquess of LANSDOWNE, *Lord President of the Council.*

GILBERT Earl of MINTO, *Lord Privy Seal.*

HENRY CHARLES Duke of NORFOLK, *Earl Marshal of England.*

EDWARD ADOLPHUS Duke of SOMERSET.

CHARLES Duke of RICHMOND.

HENRY Duke of GRAFTON.

HENRY Duke of BEAUFORT.

WILLIAM AMELIUS AUBREY DE VERE Duke of SAINT ALBANS.

FRANCIS GODOLPHIN D'ARCY Duke of LEEDS.

FRANCIS Duke of BEDFORD.

WILLIAM SPENCER Duke of DEVONSHIRE.

GEORGE Duke of MARLBOROUGH.

JOHN HENRY Duke of RUTLAND.

ALEXANDER Duke of BRANDON. (*Duke of Hamilton.*)

WILLIAM HENRY CAVENDISH Duke of PORTLAND.

GEORGE Duke of MANCHESTER.

HENRY PELHAM Duke of NEWCASTLE.

ALGERNON Duke of NORTHUMBERLAND.

ARTHUR Duke of WELLINGTON.

RICHARD PLANTAGENET, Duke of BUCKINGHAM and CHANDOS.

GEORGE GRANVILLE Duke of SUTHERLAND.

HENRY Duke of CLEVELAND.

RICHARD Marquess of WESTMINSTER. *Lord Steward of the Household.*

JOHN Marquess of BREADALBANE, *Lord Chamberlain of the Household.*

JOHN Marquess of WINCHESTER.

GEORGE Marquess of TWEEDDALE. (*Elected for Scotland.*)

HENRY Marquess of LANSDOWNE. (*In another place as Lord President of the Council.*)

GEORGE FERRARS Marquess TOWNSHEND.

JAMES BROWNLOW WILLIAM Marquess of SALISBURY.

JOHN ALEXANDER Marquess of BATH.

JAMES Marquess of ABERCORN.

RICHARD Marquess of HERTFORD.

JOHN PATRICK Marquess of BUTE.

BROWNLOW Marquess of EXETER.

CHARLES Marquess of NORTHAMPTON.

GEORGE CHARLES Marquess CAMDEN.

HENRY WILLIAM Marquess of ANGLESEY.

GEORGE HORATIO Marquess of CHOLMONDELEY.

HENRY WEYSFORD CHARLES PLANTAGENET Marquess of HASTINGS.

CHARLES Marquess of AILESBURY.

George Thomas John Marquess of Westmeath. (*Elected for Ireland.*)

Frederick William Marquess of Bristol.

Archibald Marquess of Ailsa.

John Marquess of Breadalbane. (*In another place as Lord Chamberlain of the Household.*)

Richard Marquess of Westminster. (*In another place as Lord Steward of the Household.*)

Constantine Henry Marquess of Normanby.

James Andrew Marquess of Dalhousie.

John Earl of Shrewsbury.

Edward Geoffrey Earl of Derby.

Francis Theophilus Henry Earl of Huntingdon.

Robert Henry Earl of Pembroke and Montgomery.

William Earl of Devon.

Charles John Earl of Suffolk and Berkshire.

William Basil Percy Earl of Denbigh.

John Earl of Westmoreland.

George Augustus Frederick Albemarle Earl of Lindsey.

George Harry Earl of Stamford and Warrington.

George William Earl of Winchilsea and Nottingham.

George Earl of Chesterfield.

John William Earl of Sandwich.

Arthur Algernon Earl of Essex.

James Thomas Earl of Cardigan.

George William Frederick Earl of Carlisle.

Walter Francis Earl of Doncaster. (*Duke of Buccleuch and Queensberry.*)

Anthony Earl of Shaftesbury.

——— Earl of Berkeley.

Montagu Earl of Abingdon.

John Savile Earl of Scarborough.

George Thomas Earl of Albemarle.

George William Earl of Coventry.

George Earl of Jersey.

John Earl Poulett.

George Sholto Earl of Morton. (*Elected for Scotland.*)

Cospatrick Alexander Earl of Home. (*Elected for Scotland.*)

David Graham Drummond Earl of Airlie. (*Elected for Scotland.*)

David Earl of Leven and Melville. (*Elected for Scotland.*)

Dunbar James Earl of Selkirk. (*Elected for Scotland.*)

Thomas John Earl of Orkney. (*Elected for Scotland.*)

Francis William Earl of Seafield. (*Elected for Scotland.*)

Alfred Earl of Oxford and Earl Mortimer.

Washington Sewallis Earl Ferrers.

William Earl of Dartmouth.

Charles Augustus Earl of Tankerville.

Heneage Earl of Aylesford.

George Augustus Earl Cowper.

Philip Henry Earl Stanhope.

Robert Earl of Harborough.

Thomas Augustus Wolstenholme Earl of Macclesfield.

George William Richard Earl of Pomfret.

James Earl Graham. (*Duke of Montrose.*)

William Earl Waldegrave.

Bertram Earl of Ashburnham.

Leicester Fitzgerald Charles Earl of Harrington.

John Charles Earl of Portsmouth.

Henry Richard Earl Brooke and Earl of Warwick.

Augustus Edward Earl of Buckinghamshire.

Charles William Earl Fitzwilliam.

Francis Earl of Guilford.

James Earl Cornwallis.

Charles Philip Earl of Hardwicke.

Henry Stephen Earl of Ilchester.

George John Earl De Lawarr.

William Earl of Radnor.

Frederick Earl Spencer.

Henry George Earl Bathurst.

Arthur Wills Blundell Sandys Trumbull Windsor Earl of Hillsborough. (*Marquess of Downshire.*)

George William Frederick Earl of Clarendon.

William David Earl of Mansfield.

William Earl of Abergavenny.

Henry John Earl Talbot.

George Augustus Frederick John Earl Strange. (*Duke of Athol.*) (*In another place as Lord Glenlyon.*)

Ernest Augustus Earl of Mount Edgcumbe.

Hugh Earl Fortescue.

Edward Earl of Digby.

George Earl of Beverley.

Henry Howard Molyneux Earl of Carnarvon.

George Earl Cadogan.

James Howard Earl of Malmesbury.

George John Danvers Earl of Lanesborough. (*Elected for Ireland.*)

Francis William Earl of Charlemont. (*Lord Charlemont.*) (*Elected for Ireland.*)

Stephen Earl of Mount Cashell. (*Elected for Ireland.*)

John Earl of Erne. (*Elected for Ireland.*)

John Otway O'Connor Earl of Desart. (*Elected for Ireland.*)

William Earl of Wicklow. (*Elected for Ireland.*)

George Charles Earl of Lucan. (*Elected for Ireland.*)

James Earl of Bandon. (*Elected for Ireland.*)

James Dupré Earl of Caledon. (*Elected for Ireland.*)

James Alexander Earl of Rosslyn.

William Earl of Craven.

Arthur George Earl of Onslow.

Charles Earl of Romney.

Henry Thomas Earl of Chichester.

Thomas Earl of Wilton.

Edward James Earl of Powis.

Horatio Earl Nelson.

William Earl of Rosse. (*Elected for Ireland.*)

Charles Herbert Earl Manvers.

Horatio Earl of Orford.

Henry Earl Grey.

William Earl of Lonsdale.

Dudley Earl of Harrowby.

Henry Earl of Harewood.

Gilbert Earl of Minto. (*In another place as Lord Privy Seal.*)

Charles Murray Earl Cathcart.

James Walter Earl of Verulam.

John Earl Brownlow.

Edward Granville Earl of Saint Germans.

Edmund Earl of Morley.

George Augustus Frederick Henry Earl of Bradford.

John Reginald Earl Beauchamp.

Richard Earl of Glengall. (*Elected for Ireland.*)

Thomas Philip Earl De Grey.

John Earl of Eldon.

George Henry Earl of Falmouth.

Richard William Penn Earl Howe.

John Sommers Earl Sommers.

John Edward Cornwallis Earl of Stradbroke.

Charles William Earl Vane. (*Marquess of Londonderry.*)

William Pitt Earl Amherst.

John Frederick Earl Cawdor.

William George Earl of Munster.

William Earl of Burlington.

Robert Earl of Camperdown.

Thomas William Earl of Lichfield.

George Frederick D'Arcy Earl of Durham.

Frederick John Earl of Ripon.

Granville George Earl Granville.

Henry Earl of Effingham.

Henry George Francis Earl of Ducie.

Charles Anderson Worsley Earl of Yarborough.

James Henry Robert Earl Innes. (*Duke of Roxburghe.*)

Thomas William Earl of Leicester.

William Earl of Lovelace.

Thomas Earl of Zetland.

Charles Noel Earl of Gainsborough.

William Fitzhardinge Earl Fitzhardinge.

Edward Earl of Ellenborough.

Francis Earl of Ellesmere.

John Earl of Strafford.

Charles Edward Earl of Cottenham.

Robert Viscount Hereford.

Henry Viscount Bolingbroke and St. John.

George Viscount Torrington.

Augustus Frederick Viscount Leinster. (*Duke of Leinster.*)

Henry Viscount Maynard.

John Robert Viscount Sydney.

Francis Wheler Viscount Hood.

John Viscount De Vesci. (*Elected for Ireland.*)

Hayes Viscount Doneraile. (*Elected for Ireland.*)
Cornwallis Viscount Hawarden. (*Elected for Ireland.*)
John Bruce Richard Viscount O'Neill. (*Elected for Ireland.*)
Edward Jervis Viscount St. Vincent.
Henry Viscount Melville.
William Leonard Viscount Sidmouth.
Robert Edward Viscount Lorton. (*Elected for Ireland.*)
George Viscount Gordon. (*Earl of Aberdeen.*)
Edward Viscount Exmouth.
Richard John Viscount Hutchinson. (*Earl of Donoughmore.*)
William Carr Viscount Beresford.
William Thomas Viscount Clancarty. (*Earl of Clancarty.*)
Stapleton Viscount Combermere.
Charles John Viscount Canning.
Charles John Viscount Canterbury.
John Viscount Ponsonby.
Rowland Viscount Hill.
Henry Viscount Hardinge.
Hugh Viscount Gough.

Charles James Bishop of London.
Edward Bishop of Durham.
Charles Richard Bishop of Winchester.
John Bishop of Lincoln.
Christopher Bishop of Bangor.
Hugh Bishop of Carlisle.
George Bishop of Rochester.
Richard Bishop of Bath and Wells.
James Henry Bishop of Gloucester and Bristol.
Henry Bishop of Exeter.
Charles Thomas Bishop of Ripon.
Edward Bishop of Salisbury.
George Bishop of Peterborough.
Connop Bishop of St. David's.
Henry Bishop of Worcester.
Ashurst Turner Bishop of Chichester.
John Bishop of Lichfield.
Thomas Bishop of Ely.
Samuel Bishop of Oxford.
Thomas Vowler Bishop of St. Asaph.
James Prince Bishop of Manchester.
Renn Dickson Bishop of Hereford.
John Bishop of Chester.
Samuel Bishop of Norwich.
John Bishop of Elphin, Kilmore, and Ardagh.
Thomas Stuart Bishop of Meath.
Robert Bishop of Cashel, Emly, Waterford, and Lismore.

William Lennox Lascelles Lord De Ros.
Jacob Lord Hastings.
George Edward Lord Audley.
Peter Robert Lord Willoughby de Eresby.
Henry Otway Lord Dacre.
Charles Rodolph Lord Clinton.
Thomas Lord Camoys.
Miles Thomas Lord Beaumont.
Charles Lord Stourton.
Henry William Lord Berners.
Henry Peyto Lord Willoughby de Broke.
George Lord Vaux of Harrowden.
Henry Lord Paget.
St. Andrew Beauchamp Lord St. John of Bletso.
Charles Augustus Lord Howard de Walden.
William Bernard Lord Petre.
Frederick Benjamin Lord Saye and Sele.
Henry Benedict Lord Arundell of Wardour.
John Stuart Lord Clifton. (*Earl of Darnley.*)
Joseph Thaddeus Lord Dormer.
George Henry Lord Teynham.
Henry Valentine Lord Stafford.
George Anson Lord Byron.
William Lord Ward.
Hugh Charles Lord Clifford of Chudleigh.
Alexander George Lord Saltoun. (*Elected for Scotland.*)
John Lord Gray. (*Elected for Scotland.*)
Charles Lord Sinclair. (*Elected for Scotland.*)
John Lord Elphinstone. (*Elected for Scotland.*)
Charles Lord Blantyre. (*Elected for Scotland.*)
Charles John Lord Colville of Culross. (*Elected for Scotland.*)
John Lord Rollo. (*Elected for Scotland.*)

Henry Francis Lord Polwarth. (*Elected for Scotland.*)

Edmund Lord Boyle. (*Earl of Cork and Orrery.*)

Thomas Robert Lord Hay. (*Earl of Kinnoul.*)

David Lord Middleton.

William John Lord Monson.

George William Frederick Lord Bruce.

George John Brabazon Lord Ponsonby. (*Earl of Bessborough.*)

George John Lord Sondes.

Nathaniel Lord Scarsdale.

George Lord Boston.

Henry Edward Lord Holland.

George James Lord Lovel and Holland. (*Earl of Egmont.*)

George John Lord Vernon.

George Douglas Lord Sundridge. (*Duke of Argyll.*)

Edward William Lord Hawke.

Thomas Henry Lord Foley.

George Talbot Lord Dynevor.

Thomas Lord Walsingham.

William Lord Bagot.

Charles Lord Southampton.

Fletcher Lord Grantley.

Robert Dennett Lord Rodney.

Richard Noel Lord Berwick.

John Lord Sherborne.

Henry Lord Tyrone. (*Marquess of Waterford.*)

Richard Lord Carleton. (*Earl of Shannon.*)

Edward Lord Suffield.

Guy Lord Dorchester.

George Lord Kenyon.

Richard Lord Braybrooke.

George Hamilton Lord Fisherwick. (*Marquess of Donegal.*)

James Lord Douglas of Douglas.

Henry Hall Lord Gage. (*Viscount Gage.*)

Edward Thomas Lord Thurlow.

Robert John Lord Auckland.

George William Lord Lyttelton.

Henry Lord Mendip. (*Viscount Clifden.*)

Francis Lord Stuart of Castle Stuart. (*Earl of Moray.*)

Randolph Lord Stewart of Garlies. (*Earl of Galloway.*)

James Thomas Lord Saltersford. (*Earl of Courtown.*)

Charles Lord Brodrick. (*Viscount Midleton.*)

Frederick Lord Calthorpe.

Robert John Lord Carrington.

Henry Lord Bayning.

William Henry Lord Bolton.

John Lord Wodehouse.

John Lord Northwick.

Thomas Atherton Lord Lilford.

Thomas Lord Ribblesdale.

Richard Hobart Lord Fitzgibbon. (*Earl of Clare.*)

Randal Edward Lord Dunsany. (*Elected for Ireland.*)

Cadwallader Davis Lord Blayney. (*Elected for Ireland.*)

Henry Lord Farnham. (*Elected for Ireland.*)

John Cavendish Lord Kilmaine. (*Elected for Ireland.*)

Robert Lord Clonbrock. (*Elected for Ireland.*)

Edward Lord Crofton. (*Elected for Ireland.*)

Henry Lord Dunalley. (*Elected for Ireland.*)

Eyre Lord Clarina. (*Elected for Ireland.*)

Henry Francis Seymour Lord Moore. (*Marquess of Drogheda.*)

John Henry Loftus Lord Loftus. (*Marquess of Ely.*)

John Lord Carysfort. (*Earl of Carysfort.*)

Richard Pepper Lord Alvanley.

George Ralph Lord Abercromby.

John Thomas Lord Redesdale.

George Lord Rivers.

Arthur Moyses William Lord Sandys.

George Augustus Frederick Charles Lord Sheffield. (*Earl of Sheffield.*)

David Montagu Lord Erskine.

George John Lord Mont Eagle. (*Marquess of Sligo.*)

Archibald William Lord Ardrossan. (*Earl of Eglintoun.*)

James Lord Lauderdale. (*Earl of Lauderdale.*)

George Arthur Hastings Lord Granard. (*Earl of Granard.*)

Hungerford Lord Crewe.

Alan Legge Lord Gardner.

John Thomas Lord Manners.

John Alexander Lord Hopetoun. (*Earl of Hopetoun.*)

Richard Lord Castlemaine. (*Elected for Ireland.*)

George Lord Meldrum. (*Marquess of Huntly.*)

James Lord Ross. (*Earl of Glasgow.*)

William Willoughby Lord Grinstead. (*Earl of Enniskillen.*)

William Henry Tennison Lord Foxford. (*Earl of Limerick.*)

Francis George Lord Churchill.

Frederic James Lord Melbourne. (*In another place as Lord Beauvale.*) (*Viscount Melbourne.*)

George Francis Robert Lord Harris.

Charles Lord Colchester.

William Schomberg Robert Lord Ker. (*Marquess of Lothian.*)

Francis Nathaniel Lord Minster. (*Marquess Conyngham.*)

John Lord Ormonde. (*Marquess of Ormonde.*)

Francis Lord Wemyss. (*Earl of Wemyss.*)

Robert Lord Clanbrassill. (*Earl of Roden.*)

Robert Lord Kingston. (*Earl of Kingston.*)

Edward Michael Lord Silchester. (*Earl of Longford.*)

George Augustus Frederick John Lord Glenlyon. (*In another place as Earl Strange.*) (*Duke of Athol.*)

William Lord Maryborough. (*Earl of Mornington.*)

John Lord Oriel. (*Viscount Massereene.*)

Thomas Henry Lord Ravensworth.

Thomas Lord Delamere.

John George Weld Lord Forester.

John James Lord Rayleigh.

Ulysses Lord Downes. (*Elected for Ireland.*)

Robert Francis Lord Gifford.

Percy Clinton Sydney Lord Penshurst. (*Viscount Strangford.*)

Ulick John Lord Somerhill. (*Marquess of Clanricarde.*)

James Lord Wigan. (*Earl of Crawford and Balcarres.*)

Thomas Lord Ranfurly. (*Earl of Ranfurly.*)

George Lord De Tabley.

John Lord Wharncliffe.

William Lord Feversham.

John Singleton Lord Lyndhurst.

James Lord Fife. (*Earl of Fife.*)

John Henry Lord Tenterden.

William Conyngham Lord Plunket.

Thomas Lord Melros. (*Earl of Haddington.*)

Henry Richard Charles Lord Cowley.

William Lord Heytesbury.

Archibald John Lord Rosebery. (*Earl of Rosebery.*)

Richard Lord Clanwilliam. (*Earl of Clanwilliam.*)

Edward Lord Skelmersdale.

William Samuel Lord Wynford.

Henry Lord Brougham and Vaux.

William Henry Lord Kilmarnock. (*Earl of Erroll.*)

Arthur James Lord Fingall. (*Earl of Fingall.*)

Charles William Lord Sefton. (*Earl of Sefton.*)

Nathaniel Lord Clements. (*Earl of Leitrim.*)

George William Fox Lord Rossie. (*Lord Kinnaird.*)

Thomas Lord Kenlis. (*Marquess of Headfort.*)

William Lord Chaworth. (*Earl of Meath.*)

Charles Adolphus Lord Dunmore. (*Earl of Dunmore.*)

Robert Montgomerie Lord Hamilton. (*Lord Belhaven and Stenton.*)

John Hobart Lord Howden.

William Lord Panmure.

George Warwick Lord Poltimore.

Edward Pryce Lord Mostyn.

Henry Spencer Lord Templemore.

William Lewis Lord Dinorben.

Valentine Browne Lord Cloncurry.

James Lord De Saumarez.

George Godolphin Lord Godolphin.

Lucius Bentinck Lord Hunsdon. (*Viscount Falkland.*)

Thomas Lord Denman.

Robert Campbell Lord Abinger.

Philip Lord De L'Isle and Dudley.

William Bingham Lord Ashburton.

Charles Lord Glenelg.

Edward John Lord Hatherton.

Archibald Lord Worlingham. (*In another place as Lord Acheson.*) (*Earl of Gosford.*)

Edward Berkeley Lord Portman.

Thomas Alexander Lord Lovat.

William Bateman Lord Bateman.

Francis William Lord Charlemont. (*In another place as Earl of Charlemont.*)

Francis Alexander Lord Kintore. (*Earl of Kintore.*)

Cornelius Lord Lismore. (*Viscount Lismore.*)

Henry Robert Lord Rossmore.

Robert Shapland Lord Carew.

William Francis Spencer Lord De Mauley.

John Lord Wrottesley.

Charles Lord Sudeley.

Frederick Henry Paul Lord Methuen.

Frederic James Lord Beauvale. (*In another place as Lord Melbourne.*) (*Viscount Melbourne.*)

Edward John Lord Stanley of Alderley.

Henry Villiers Lord Stuart de Decies.

William Henry Lord Leigh.

Paul Beilby Lord Wenlock.

Charles Lord Lurgan.

Nicholas William Lord Colborne.

Arthur Lord De Freyne.

James Lord Dunfermline.

Thomas Lord Monteagle of Brandon.

John Lord Seaton.

Edward Arthur Wellington Lord Keane.

John Lord Campbell.

John Lord Oxenfoord. (*Earl of Stair.*)

Valentine Lord Kenmare. (*Earl of Kenmare.*)

Charles Crespigny Lord Vivian.

John Lord Congleton.

Denis St. George Lord Dunsandle and Clanconal. (*Elected for Ireland.*)

Archibald Lord Acheson. (*In another place as Lord Worlingham.*) (*Earl of Gosford.*)

Richard Lord Dartrey. (*Lord Cremorne.*)

Richard Bulkeley Philipps Lord Milford.

James Lord Elgin. (*Earl of Elgin and Kincardine.*)

Frederick Temple Lord Clandeboye. (*Lord Dufferin and Claneboye.*)

Albert Denison Lord Londesborough.

Samuel Lord Overstone.

Thomas Lord Truro. (*In another place as Lord Chancellor.*)

Robert Monsey Lord Cranworth.

John Cam Lord Broughton.

Mem.—*According to the Usage of Parliament, when the House appoints a Select Committee, the Lords appointed to serve upon it are named in the Order of their Rank, beginning with the Highest; and so, when the House sends a Committee to a Conference with the Commons, the Lord highest in Rank is called first, and the rest go forth in like Order: But when the Whole House is called over for any Purpose within the House, or for the Purpose of proceeding forth to Westminster Hall, or upon any public Solemnity, the Call begins invariably with the Junior Baron.*

LIST OF THE COMMONS.

LIST OF MEMBERS

Returned from the respective Counties, Cities, Towns, and Boroughs, to the *Fifteenth Parliament* of the United Kingdom of *Great Britain and Ireland:* Amended to the Opening of the Fifth Session on the 3rd Day of February, 1852.

ABINGDON.
Sir Frederic Thesiger, knt.

ANDOVER.
Henry Beaumont Coles,
William Cubitt.

ANGLESEY.
Sir Richard Bulkeley Williams Bulkeley, bt.

ARUNDEL.
Rt. hon. Edward Strutt.

ASHBURTON.
Thomas Matheson.

ASHTON-UNDER-LINE.
Charles Hindley.

AYLESBURY.
Quintin Dick,
Richard Bethell.

BANBURY.
Henry William Tancred.

BARNSTAPLE.
Richard Bremridge,
Hon. John William Fortescue.

BATH.
George Treweeke Scobell,
Hon. Adam (Duncan) Viscount Duncan.

BEAUMARIS.
Hon. (George Augustus Frederick Paget) Lord G. A. F. Paget.

BEDFORDSHIRE.
Richard Thomas Gilpin,
Francis Charles Hastings Russell.

BEDFORD.
Sir Harry Verney, bt.,
Henry Stuart.

BERKSHIRE.
Robert Palmer,
Rt. hon. William (Keppel) Viscount Barrington,
Philip Pusey.

BERWICK-UPON-TWEED.
Matthew Forster,
John Campbell Renton.

BEVERLEY.
John Towneley,
Sackville Walter Lane Fox.

BEWDLEY.
Hon. William Drogo (Montague) Viscount Mandeville.

BIRMINGHAM.
George Frederick Muntz,
William Scholefield.

BLACKBURN.
John Hornby,
James Pilkington.

BODMIN.
James Wyld,
Henry Charles Lacy

BOLTON-LE-MOORS.
Stephen Blair.
Sir Joshua Walmsley, knt.

BOSTON.
James William Freshfield,
Benjamin Bond Cabbell.

BRADFORD.
Robert Milligan,
Thomas Perronet Thompson.

BRECKNOCKSHIRE.
Joseph Bailey.

BRECON.
John Lloyd Vaughan Watkins.

BRIDGENORTH.
Thomas Charlton Whitmore,
Sir Robert Pigot, bt.

BRIDGEWATER.
Charles John Kemys Tynte,
Henry Broadwood.

BRIDPORT.
Alexander Dundas Ross Wishart Baillie Cochrane,
Thomas Alexander Mitchell.

BRIGHTHELMSTONE.
Sir George Richard Pechell, bt.
Hon. (Alfred Hervey) Lord A. Hervey.

BRISTOL.
Hon. Francis Henry Fitzhardinge Berkeley,
Philip William Skynner Miles.

BUCKINGHAMSHIRE.
Caledon George Du Pré,
Hon. Charles Compton Cavendish,
Benjamin Disraeli.

BUCKINGHAM.
Hon. Richard Plantagenet Campbell (Chandos-Grenville) Marquess of Chandos,
John Hall.

BURY.
Richard Walker.

BURY ST. EDMUND'S.
Rt. hon. Frederick William (Hervey) Earl Jermyn,
Edward Herbert Bunbury.

CALNE.
Hon. Henry Petty (Fitzmaurice) Earl of Shelburne.

CAMBRIDGESHIRE.
Hon. Eliot Thomas Yorke,
Richard Greaves Townley,
Hon. (George John Manners) Lord G. J. Manners.

CAMBRIDGE (UNIVERSITY).
Loftus Tottenham Wigram.
Rt. hon. Henry Goulburn.

CAMBRIDGE.
Robert Alexander Shafto Adair,
Hon. William Frederick Campbell.

CANTERBURY.
Frederick Romilly,
Hon. George Augustus Frederick Percy Sydney Smythe.

CARDIFF.
Rt. hon. John Nicholl.

CARDIGANSHIRE.
William Edward Powell.

CARDIGAN.
Pryse Loveden

CARLISLE.
William Nicholson Hodgson,
Philip Henry Howard.

CARMARTHENSHIRE.
Hon. George Rice Rice Trevor,
David Arthur Saunders Davies.

CARMARTHEN.
David Morris.

CARNARVONSHIRE.
Hon. Edward Gordon Douglas Pennant.

CARNARVON.
William Bulkeley Hughes.

CHATHAM.
Rt. hon. George Stevens (Byng) Viscount Enfield.

CHELTENHAM.
Charles Lennox Grenville Berkeley.

CHESHIRE.
(*Northern Division.*)
William Tatton Egerton,
George Cornwall Legh.

(*Southern Division.*)
Sir Philip de Malpas Grey Egerton, bt.,
John Tollemache.

CHESTER.
Hon. Hugh Lupus (Grosvenor) Earl Grosvenor,
Hon. William Owen Stanley.

CHICHESTER.
John Abel Smith,
Hon. (George Charles Henry Gordon Lennox) Lord G. C. H. G. Lennox.

CHIPPENHAM.
Joseph Neeld,
Henry George Boldero.

CHRISTCHURCH.
Hon. Edward Alfred John Harris.

CIRENCESTER.
John Randolph Mullings,
Hon. George Augustus Frederick (Villiers) Viscount Villiers.

CLITHEROE.
Matthew Wilson.

COCKERMOUTH.
Henry Aglionby Aglionby,
Edward Horsman.

COLCHESTER.
Hon. (John James Robert Manners) Lord J. J. R. Manners,
Joseph Alfred Hardcastle.

CORNWALL.
(*Eastern Division.*)
William Henry Pole Carew,
Thomas James Agar Robartes.

(*Western Division.*)
Edward William Wynne Pendarves,
Sir Charles Lemon, bt.

COVENTRY.
Rt. hon. Edward Ellice,
Charles Geach.

CRICKLADE.
John Neeld,
Ambrose Lethbridge Goddard.

CUMBERLAND.
(*Eastern Division.*)
Hon. Charles Wentworth George Howard,
William Marshall.

(*Western Division.*)
Edward Stanley,
Henry Lowther.

DARTMOUTH.
George Moffatt.

DENBIGHSHIRE.
Sir Watkin Williams Wynn, bt,
Hon. William Bagot.

DENBIGH.
Frederick Richard West.

DERBYSHIRE.
(*Northern Division.*)
Hon. George Henry Cavendish,
William Evans.

(*Southern Division.*)
William Mundy,
Charles Robert Colville.

DERBY.
Michael Thomas Bass,
Lawrence Heyworth.

DEVIZES.
George Heneage Walker Heneage,
James Bucknall Bucknall Estcourt.

DEVONPORT.
Rt. hon. Henry Tufnell,
Rt. hon. Sir John Romilly, knt.

DEVONSHIRE.
(*Northern Division.*)
Sir Thomas Dyke Acland, bt.,
Lewis William Buck.

(*Southern Division.*)
Sir John Buller Yarde Buller, bt.,
Sir Ralph Lopes, bt.

DORCHESTER.
Rt. hon. George Lionel Dawson Damer,
Henry Gerard Sturt.

DORSETSHIRE.
George Bankes,
Henry Ker Seymer,
John Floyer.

DOVOR.
Edward Royd Rice,
Rt. hon. Sir George Clerk, bt.

DROITWICH.
Sir John Somerset Pakington, bt.

DUDLEY.
John Benbow.

DURHAM.
(*Northern Division.*)
Robert Duncombe Shafto,
Hon. George Henry Robert Charles (Vane) Viscount Seaham.

(*Southern Division.*)
Hon. (Harry George Vane) Lord H. G. Vane,
James Farrer.

DURHAM (CITY).
Thomas Colpitts Granger,
Henry John Spearman.

ESSEX.
(*Northern Division.*)
Sir John Tyssen Tyrell, bt.,
William Beresford.

(*Southern Division.*)
Thomas William Bramston,
Sir Edward North Buxton, bt.

EVESHAM.
Rt. hon. (Arthur Marcus Cecil Hill), Lord A. M. C. Hill,
Sir Henry Pollard Willoughby, bt.

EXETER.
Sir John Thomas Buller Duckworth, bt.,
Edward Divett.

EYE.
Sir Edward Kerrison, bt.

FINSBURY.
Thomas Wakley,
Thomas Slingsby Duncombe.

FLINTSHIRE.
Hon. Edward Mostyn Lloyd Mostyn.

FLINT.
Sir John Hanmer, bt.

FROME.
Hon. Robert Edward Boyle.

GATESHEAD.
William Hutt.

GLAMORGANSHIRE.
Sir George Tyler, knt.,
Christopher Rice Mansel Talbot.

GLOUCESTERSHIRE.
(Eastern Division.)
Christopher William Codrington,
Hon. Henry Charles Fitzroy (Somerset) Marquess of Worcester.

(Western Division.)
Robert Blagden Hale,
Hon. George Charles Grantley Fitzhardinge Berkeley.

GLOUCESTER.
Henry Thomas Hope,
Hon. Maurice Frederick Fitzhardinge Berkeley.

GRANTHAM.
Glynne Earle Welby,
Rt. hon. Frederick James Tollemache.

GREENWICH.

David Salomons.

GRIMSBY (GREAT).
Edward Heneage.

GUILDFORD.
Henry Currie,
Ross Donnelly Mangles.

HALIFAX.
Henry Edwards,
Rt. hon. Sir Charles Wood, bt.

HAMPSHIRE.
(Northern Division.)
Rt. hon. Charles Shaw Lefevre,
Melville Portal.

(Southern Division.)
Hon. (Charles Wellesley) Lord C. Wellesley,
Henry Combe Compton.

HARWICH.
John Bagshaw,
Robert Wigram Crawford.

HASTINGS.
Robert Hollond,
Musgrave Briscoe.

HAVERFORDWEST.
John Evans.

HELSTON.
Sir Richard Rawlinson Vyvyan, bt.

HEREFORDSHIRE.
Thomas William Booker,
Francis Richard Haggitt Wegg Prosser,
George Cornewall Lewis.

HEREFORD.
Sir Robert Price, bt.,
Henry Morgan Clifford.

HERTFORDSHIRE.
Sir Henry Meux, bt.,
Thomas Plumer Halsey,
Hon. Thomas Brand.

HERTFORD.
Hon. Philip Henry (Stanhope) Viscount Mahon,
Hon. William Francis Cowper.

HONITON.
Joseph Locke,
Sir James Weir Hogg, bt.

HORSHAM.
Rt. Hon. (Edward Howard) Lord E. Howard.

HUDDERSFIELD.
William Rookes Crompton Stansfield.

HUNTINGDONSHIRE.
Edward Fellowes,
George Thornhill.

HUNTINGDON.
Jonathan Peel,
Thomas Baring.

HYTHE.
Edward Drake Brockman.

IPSWICH.
John Chevallier Cobbold,
Hugh Edward Adair.

KENDAL.
George Carr Glyn.

KENT.
(Eastern Division.)

William Deedes.

(Western Division.)
Sir Edmund Filmer, bt.,
Thomas Law Hodges.

KIDDERMINSTER
John Best.

KING'S LYNN.
Hon. Edward Henry (Stanley) Lord Stanley
Hon. Robert (Jocelyn) Viscount Jocelyn.

KINGSTON-UPON-HULL.
James Clay,
Right hon. Matthew Talbot Baines.

KNARESBOROUGH.
Thomas Collins,
Joshua Proctor Westhead.

LAMBETH.
William Williams,
Rt. hon. Charles Tennyson D'Eyncourt.

LANCASHIRE.
(Northern Division.)
John Wilson Patten,
James Heywood.

(Southern Division.)
William Brown,
Alexander Henry.

LANCASTER.
Robert Baynes Armstrong,
Thomas Greene.

LAUNCESTON.
William Bowles.

LEEDS.
William Beckett,
James Garth Marshall.

LEICESTERSHIRE.
(Northern Division.)
Hon. (Charles Henry Somerset Manners) Lord C. H. S. Manners,
Edward Basil Farnham.

(Southern Division.)
Sir Henry Halford, bt.,
Charles William Packe.

LEICESTER.
Richard Harris,
John Ellis.

LEOMINSTER.
George Arkwright,
Frederick Peel.

LEWES.
Hon. Henry Fitzroy,
Robert Perfect.

LICHFIELD.
Hon. (Alfred Henry Paget) Lord A. H. Paget,
Hon. Thomas William (Anson) Viscount Anson.

LINCOLNSHIRE.
(*Parts of Lindsey.*)
Robert Adam Christopher,
Sir Montague John Cholmeley, bt.

(*Parts of Kesteven and Holland.*)
Hon. William Alleyne (Cecil) Lord Burghley,
Sir John Trollope, bt.

LINCOLN.
Charles De Laet Waldo Sibthorp,
Thomas Benjamin Hobhouse.

LISKEARD.
Richard Budden Crowder.

LIVERPOOL.
Edward Cardwell,
Sir Thomas Bernard Birch, bt.

LONDON.
Rt. hon. (John Russell) Lord J. Russell,
Sir James Duke, bt.,
Lionel Nathan (Baron) De Rothschild,
John Masterman.

LUDLOW.
Henry Bayley Clive,
Henry Salwey.

LYME REGIS.
Thomas Neville Abdy.

LYMINGTON.
John Hutchins,
William Alexander Mackinnon.

MACCLESFIELD.
John Brocklehurst, jun.,
John Williams.

MAIDSTONE.
Alexander James Beresford Hope,
George Dodd.

MALDON.
David Waddington,
Thomas Barrett Lennard.

MALMESBURY.
Hon. James Kenneth Howard.

MALTON.
John Walbanke Childers,
John Evelyn Denison.

MANCHESTER.
Rt. hon. Thomas Milner Gibson,
John Bright.

MARLBOROUGH.
Hon. (Ernest Augustus Charles Brudenell Bruce) Lord E. A. C. B. Bruce,
Henry Bingham Baring.

MARLOW (GREAT).
Thomas Peers Williams,
Brownlow William Knox.

MARYLEBONE.
Hon. (Dudley Coutts Stuart) Lord D. C. Stuart,
Sir Benjamin Hall, bt.

MERIONETHSHIRE.
Richard Richards.

MERTHYR TYDVIL.
Sir Josiah John Guest, bt.

MIDDLESEX.
Rt. hon. (Robert Grosvenor) Lord R. Grosvenor,
Ralph Bernal Osborne.

MIDHURST.
Spencer Horatio Walpole.

MONMOUTHSHIRE.
Charles Octavius Swinnerton Morgan,
Edward Arthur Somerset.

MONMOUTH.
Reginald James Blewitt.

MONTGOMERYSHIRE.
Herbert Watkins Williams Wynn.

MONTGOMERY.
David Pugh.

MORPETH.
Hon. Edward George Granville Howard.

NEWARK-UPON-TRENT.
Hon. John Henry Thomas Manners Sutton,
John Stuart.

NEWCASTLE-UNDER-LYME.
Samuel Christy,
William Jackson.

NEWCASTLE-UPON-TYNE.
William Ord,
Thomas Emerson Headlam.

NEWPORT.
William Henry Chicheley Plowden,
Charles Wykeham Martin.

NORFOLK.
(*Eastern Division.*)
Henry Negus Burroughes,
Edmund Wodehouse.

(*Western Division.*)
William Bagge,
Hon. Edward Keppell Wentworth Coke.

NORTHALLERTON.
William Battye Wrightson.

NORTHAMPTONSHIRE.
(*Northern Division.*)
Thomas Philip Maunsell,
Stafford Augustus O'Brien Stafford.

(*Southern Division.*)
Sir Charles Knightley, bt.,
Richard Henry Richard Howard Vyse.

NORTHAMPTON.
Raikes Currie,

NORTHUMBERLAND.
(*Northern Division.*)
Rt. hon. Sir George Grey, bt.,
Hon. Charles (Bennett) Lord Ossulston.

(*Southern Division.*)
Matthew Bell,
Savile Craven Henry Ogle.

NORWICH.
Samuel Morton Peto,
Hon. Arthur Richard (Wellesley) Marquess of Douro.

NOTTINGHAMSHIRE.
(*Northern Division.*)
Thomas Houldsworth,
Hon. (Henry William Cavendish Bentinck) Lord H. W. C. Bentinck.

(*Southern Division.*)
William Hodgson Barrow,
Thomas Blackburne Thornton Hildyard.

NOTTINGHAM.
John Walter,
Feargus O'Connor.

OLDHAM.
William Johnson Fox,
John Duncuft.

OXFORDSHIRE.

Hon. Montague (Bertie) Lord Norreys,
George Granville Vernon Harcourt,
Joseph Warner Henley.

OXFORD (CITY).

James Haughton Langston,
Sir William Page Wood, knt.

OXFORD (UNIVERSITY).

Sir Robert Harry Inglis, bt.,
Rt. Hon. William Ewart Gladstone.

PEMBROKESHIRE.

Hon. John Frederick Vaughan (Campbell) Viscount Emlyn.

PEMBROKE.

Sir John Owen, bt.

PENRYN AND FALMOUTH.

Howell Gwyn,
Francis Mowatt.

PETERBOROUGH.

Hon. George Wentworth Fitzwilliam,
William George Cavendish.

PETERSFIELD.

Sir William George Hylton Jolliffe, bt.

PLYMOUTH.

Hon. Hugh (Fortescue) Viscount Ebrington,
Roundell Palmer.

PONTEFRACT.

Hon. Beilby Richard Lawley,
Richard Monckton Milnes.

POOLE.

Henry Danby Seymour,
Sir George Richard Philips, bt.

PORTSMOUTH.

Rt. hon. Sir Francis Thornhill Baring, bt.,
Sir George Thomas Staunton, bt.

PRESTON.

Sir George Strickland, bt.,
Charles Pasco Grenfell.

RADNORSHIRE.

Sir John Benn Walsh, bt.

RADNOR (NEW).

Rt. Hon. Sir Thomas Frankland Lewis, bt.

READING.

Francis Pigott,
John Frederick Stanford.

REIGATE.

Hon. Thomas Somers Cocks.

RETFORD (EAST).

Rt. Hon. George Edward Arundell (Monckton-Arundell) Viscount Galway.

RICHMOND.

Henry Rich,
Marmaduke Wyvill, jun.

RIPON.

Rt. hon. Sir James Robert George Graham, bt.,
Hon. Edwin Lascelles.

ROCHDALE.

William Sharman Crawford.

ROCHESTER.

Ralph Bernal,
Thomas Twisden Hodges.

RUTLANDSHIRE.

Gilbert John Heathcote,
Hon. Gerard James Noel.

RYE.

Herbert Mascall Curteis.

ST. ALBAN'S.

Jacob Bell
George William John Repton.

ST. IVES.

Hon. (William John Frederic Powlett) Lord W. J. F. Powlett.

SALFORD.

Joseph Brotherton.

SALISBURY.

William James Chaplin,
Charles Baring Wall.

SALOP, OR SHROPSHIRE.

(Northern Division.)

William Ormsby Gore,
John Whitehall Dod.

(Southern Division.)

Hon. Robert Henry Clive,
Hon. Orlando George Chas. (Bridgeman) Viscount Newport.

SANDWICH.

Hon. (Clarence Edward Paget) Lord C. E. Paget,
Charles William Grenfell.

SCARBOROUGH.

Sir John Vanden Bempde Johnstone, bt.,
George Frederick Young.

SHAFTESBURY.

Richard Brinsley Sheridan.

SHEFFIELD.

John Parker,
John Arthur Roebuck.

SHIELDS (SOUTH).

John Twizell Wawn.

SHOREHAM (NEW).

Sir Charles Merrik Burrell, bt.,
Hon. (Alexander Francis Charles Gordon Lennox) Lord A. F. C. G. Lennox.

SHREWSBURY.

Edward Holmes Baldock,
Robert Aglionby Slaney.

SOMERSETSHIRE.

(Eastern Division.)

William Miles,
William Pinney.

(Western Division.)

Charles Aaron Moody,
William Henry Powell Gore Langton.

SOUTHAMPTON.

Sir Alexander James Edmund Cockburn, knt,
Brodie M'Ghie Willcox.

SOUTHWARK.

John Humphery,
Sir William Molesworth, bt.

STAFFORDSHIRE.

(Northern Division.)

Charles Bowyer Adderley,
Smith Child.

(Southern Division.)

Hon. William Walter (Legge) Viscount Lewisham,
Hon. George Anson.

STAFFORD.

David Urquhart,
Thomas Sidney.

STAMFORD.

Hon. Charles Cecil John (Manners) Marquess of Granby,
Rt. hon. John Charles Herries.

STOCKPORT.

James Heald,
James Kershaw.

STOKE-UPON-TRENT.

John Lewis Ricardo,
William Taylor Copeland.

STROUD.
William Henry Stanton,
George Poulett Scrope.

SUFFOLK.
(Eastern Division.)
Rt. Hon. Frederick (Thellusson) Lord Rendlesham,
Edward Sherlock Gooch.

(Western Division.)
Harry Spencer Waddington,
Philip Bennet, jun.

SUNDERLAND.
Sir Hedworth Williamson, bt.,
George Hudson.

SURREY.
(Eastern Division.)
Hon. Peter John Locke King,
Thomas Alcock.

(Western Division.)
William John Evelyn,
Henry Drummond.

SUSSEX.
(Eastern Division.)
Augustus Elliott Fuller,
Charles Hay Frewen.

(Western Division.)
Hon. Charles Henry (Gordon Lennox) Earl of March,
Richard Prime.

SWANSEA.
John Henry Vivian.

TAMWORTH.
Sir Robert Peel, bt.,
John Townsend.

TAUNTON.
Rt. hon. Henry Labouchere,
Sir Thomas Edward Colebrooke, bt.

TAVISTOCK.
Hon. Edward Southwell Russell,
John Salusbury Trelawny.

TEWKESBURY.
John Martin,
Humphrey Brown.

THETFORD.
Hon. William Henry (Fitzroy) Earl of Euston,
Hon. Francis Baring.

THIRSK.
Sir William Payne Gallwey, bt.

TIVERTON.
John Heathcoat,
Rt. hon. Henry John (Temple) Viscount Palmerston.

TOTNESS.
Rt. hon. Edward Adolphus (Seymour) Lord Seymour,
Charles Barry Baldwin.

TOWER HAMLETS.
George Thompson,
Sir William Clay, bt.

TRURO.
John Ennis Vivian,
Humphrey Willyams.

TYNEMOUTH.
Ralph William Grey.

WAKEFIELD.
George Sandars.

WALLINGFORD.
William Seymour Blackstone.

WALSALL.
Hon. Edward Richard Littleton.

WAREHAM.
John Samuel Wanley Sawbridge Erle Drax.

WARRINGTON.
Gilbert Greenall.

WARWICKSHIRE.
(Northern Division.)
Charles Newdigate Newdegate,
Richard Spooner.

(Southern Division.)
Hon. Heneage (Finch) Lord Guernsey
Hon. George Guy (Greville) Lord Brooke.

WARWICK.
William Collins,
Sir Charles Eurwicke Douglas, knt.

WELLS.
Rt. hon. William Goodenough Hayter,
Richard Blakemore.

WENLOCK.
Hon. George Cecil Weld Forester,
James Milnes Gaskell.

WESTBURY.
James Wilson.

WESTMINSTER.
Sir De Lacy Evans, K.C.B.,
Charles Lushington.

WESTMORELAND.
Hon. Henry Cecil Lowther,
William Thompson.

WEYMOUTH AND MELCOMBE REGIS.
William Lockyer Freestun,
Hon. Frederick William Child Villiers.

WHITBY.
Robert Stephenson.

WHITEHAVEN.
Robert Charles Hildyard.

WIGAN.
Hon. James Lindsey,
Ralph Anthony Thicknesse.

WIGHT (ISLE OF).
Edward Dawes.

WILTON.
Hon. James Charles Herbert Welbore Ellis (Agar) Viscount Somerton.

WILTSHIRE.
(Northern Division.)
Walter Long,
Thomas Henry Sutton Sotheron.

(Southern Division.)
Rt. hon. Sidney Herbert,
John Benett.

WINCHESTER.
John Bonham Carter,
Sir James Buller East, bt.

WINDSOR.
Rt. hon. John Hatchell,
George Alexander Reid.

WOLVERHAMPTON.
Hon. Charles Pelham Villiers,
Thomas Thornely.

WOODSTOCK.
Hon. John Winston (Spencer Churchill) Marquess of Blandford.

WORCESTERSHIRE.
(Eastern Division.)
George Rushout,
John Hodgetts Hodgetts Foley.

(Western Division.)
Hon. Henry Beauchamp Lygon,
Frederick Winn Knight.

WORCESTER.
Osman Ricardo,
Francis Rufford.

WYCOMBE (CHIPPING).
George Henry Dashwood,
Martin Tucker Smith.

YARMOUTH (GREAT).
Charles Edward Rumbold,
Joseph Sandars.

YORKSHIRE.
(North Riding.)
Edward Stillingfleet Cayley,
Hon. Octavius Duncombe.

YORKSHIRE—*continued.*

(*East Riding.*)

Hon. Arthur Duncombe,
Rt. hon. Beaumont (Hotham) Lord Hotham.

(*West Riding.*)

Edmund Becket Denison,
Richard Cobden.

YORK.

William Mordaunt Edward Milner,
John George Smyth.

SCOTLAND.

ABERDEENSHIRE.

Hon. William Gordon.

ABERDEEN.

Alexander Dingwall Fordyce.

ARGYLLSHIRE.

Sir Archibald Islay Campbell, bt.

AYRSHIRE.

Alexander Oswald.

AYR, &c.

Hon. (Patrick James Herbert Crichton Stuart) Lord P. J. H. C. Stuart.

BANFFSHIRE.

James Duff.

BERWICKSHIRE.

Hon. Francis Scott.

BUTESHIRE.

Rt. hon. James Archibald Stuart Wortley.

CAITHNESS-SHIRE.

George Trail.

CLACKMANNAN AND KINROSS SHIRES.

James Johnstone.

CUPAR, &c.

Edward Ellice.

DUMBARTONSHIRE.

Alexander Smollett.

DUMFRIES-SHIRE.

Hon. Archibald William (Douglas) Viscount Drumlanrig.

DUMFRIES, &c.

William Ewart.

DUNDEE.

George Duncan.

DYSART, &c.

Robert Ferguson.

EDINBURGHSHIRE.

Sir John Hope, bt.

EDINBURGH.

Charles Cowan,
Sir William Gibson Craig, bt.

ELGINSHIRE AND NAIRNE.

Charles Lennox Cumming Bruce.

ELGIN, &c.

George Skene Duff.

FALKIRK, &c.

James Baird.

FIFESHIRE.

John Fergus.

FORFARSHIRE.

Hon. (John Frederick Gordon Hallyburton) Lord J. F. Gordon Hallyburton.

GLASGOW.

John MacGregor,
Alexander Hastie.

GREENOCK.

Hon. William Hugh (Kynynmond) Viscount Melgund.

HADDINGTONSHIRE.

Hon. Francis Wemyss Charteris.

HADDINGTON, &c.

Sir Henry Robert Ferguson Davie, bt.

INVERNESS-SHIRE.

Henry James Baillie.

INVERNESS, &c.

Alexander Matheson.

KINCARDINESHIRE.

Hon. Hugh Arbuthnott.

KIRKCUDBRIGHT.

John Mackie.

KIRKWALL, WICK, &c.

James Loch.

LANARKSHIRE.

William Lockhart.

LEITH, &c.

Rt. hon. James Moncreiff.

LINLITHGOWSHIRE.

George Dundas.

MONTROSE, &c.

Joseph Hume.

ORKNEY AND SHETLAND.

Arthur Anderson.

PAISLEY.

Archibald Hastie.

PEEBLES-SHIRE.

William Forbes Mackenzie.

PERTHSHIRE.

Henry Home Drummond.

PERTH.

RENFREWSHIRE.

William Mure.

RENFREW, &c.

Hon. Edward Pleydell Bouverie.

ROSS AND CROMARTY SHIRES.

Sir James Matheson. bt.

ROXBURGHSHIRE.

Hon. John Edmund Elliot.

SELKIRKSHIRE.

Allan Eliott Lockhart.

STIRLINGSHIRE.

William Forbes.

STIRLING, &c.

John Benjamin Smith.

SUTHERLANDSHIRE.

Sir David Dundas, knt.

WIGTONSHIRE.

John Dalrymple.

WIGTON, &c.

Sir John MacTaggart, bt.

IRELAND.

ANTRIM.

Nathaniel Alexander,
Sir Edmund Charles Workman Macnaghten, bt.

ARMAGH.

Sir William Verner, bt.,
James Molyneux Caulfield.

ARMAGH (CITY).

John Dawson Rawdon.

ATHLONE.

William Keogh.

BANDON BRIDGE.

Hon. Francis (Bernard) Viscount Bernard.

BELFAST.

Robert James Tennent,
Hon. (John Ludford Chichester) Lord J. L. Chichester.

CARLOW.

Henry Bruen,
William Bunbury MacClintock Bunbury.

CARLOW (BOROUGH).

John Sadleir.

CARRICKFERGUS.

Hon. Wellington Henry Stapleton Cotton.

CASHELL.

Sir Timothy O'Brien, bt.

CAVAN.

Sir John Young, bt.,
Hon. James Pierce Maxwell.

CLARE.

Sir Lucius O'Brien, bt.,
William Nugent M'Namara.

CLONMEL.
Hon. Cecil John Lawless.

COLERAINE.
John Boyd.

CORK COUNTY.
Edmund Burke Roche,
Maurice Power.

CORK (CITY).
Francis Stack Murphy,
James Charles Chatterton.

DONEGAL.
Sir Edmund Samuel Hayes, bt.
Thomas Conolly.

DOWNSHIRE.
Rt. hon. Frederick William Robert (Stewart) Viscount Castlereagh,
Hon. (Arthur Edwin Hill) Lord A. E. Hill.

DOWNPATRICK.
Hon. Charles Stewart Hardinge.

DROGHEDA.
Rt. hon. Sir William Meredyth Somerville, bt.

DUBLIN.
James Hans Hamilton,
Thomas Edward Taylor.

DUBLIN (CITY).
Edward Grogan,
John Reynolds.

DUBLIN (UNIVERSITY).
George Alexander Hamilton,
Joseph Napier.

DUNDALK.
William Torrens McCullagh.

DUNGANNON.
Hon. William Stuart Knox.

DUNGARVAN.
Hon. Charles Frederick Ashley Cooper Ponsonby.

ENNIS.
James Patrick O'Gorman Mahon (The O'Gorman Mahon).

ENNISKILLEN.
James Whiteside.

FERMANAGH.
Mervyn Edward Archdall,
Sir Arthur Brinsley Brooke, bt.

GALWAY.
Sir Thomas John Burke, bt.,
Christopher St. George.

GALWAY (BOROUGH).
Martin Joseph Blake,
Anthony O'Flaherty.

KERRY.
Henry Arthur Herbert,
Morgan John O'Connell.

KILDARE.
Hon. Charles William (Fitzgerald) Marquess of Kildare,
Richard Southwell Bourke.

KILKENNY.
John Greene,
Pierce Somerset Butler.

KILKENNY (BOROUGH).
Michael Sullivan.

KING'S (COUNTY).
Sir Andrew Armstrong, bt.,
Hon. John Craven Westenra.

KINSALE.

LEITRIM.
Edward King Tenison,
Hon. Charles Skeffington Clements.

LIMERICK.
William Monsell,
Wyndham Goold.

LIMERICK (CITY).
Hon. Henry Granville (Fitzalan Howard) Earl of Arundel and Surrey.
John O'Brien.

LISBURN.
Sir James Emerson Tennent, knt.

LONDONDERRY.
Theobald Jones,
Thomas Bateson.

LONDONDERRY (CITY).
Sir Robert Alexander Ferguson, bt.

LONGFORD.
Rt. hon. Richard More O'Ferrall,
Richard Maxwell Fox.

LOUTH.
Richard Montesquieu Bellew,
Chichester Fortescue.

MALLOW.
Sir Charles Denham Orlando Jephson Norreys, bt.

MAYO.
George Henry Moore,
George Gore Ouseley Higgins.

MEATH.
Matthew Elias Corbally,
Henry Grattan.

MONAGHAN.
Charles Powell Leslie,
Hon. Thomas Vesey Dawson.

NEWRY.
Edmund Gilling Hallewell.

PORTARLINGTON.
Francis Plunket Dunne.

QUEEN'S COUNTY.
Hon. Thomas Vesey,
Rt. hon. John Wilson Fitzpatrick.

ROSCOMMON.
Fitzstephen French,
Oliver Dowell John Grace.

ROSS (NEW).
John Hyacinth Talbot.

SLIGO.
William Richard Ormsby Gore,
Sir Robert Gore Booth, bt.

SLIGO (BOROUGH).
John Patrick Somers.

TIPPERARY.
Nicholas Maher,
Francis Scully.

TRALEE.
Maurice O'Connell.

TYRONE.
Rt. hon. Henry Thomas Lowry Corry,
Hon. (Claud Hamilton) Lord C. Hamilton.

WATERFORD.
Nicholas Maher Power,
Robert Keating.

WATERFORD (CITY).
Thomas Meagher,
Sir Henry Winston Barron, bt.

WESTMEATH.
William Henry Magan,
Sir Percy Fitzgerald Nugent, bt.

WEXFORD.
James Fagan,
Hamilton Knox Grogan Morgan.

WEXFORD (BOROUGH).
John Thomas Devereux.

WICKLOW.
Hon. William Thomas Spencer (Wentworth Fitzwilliam) Viscount Milton,
Sir Ralph Howard, bt.

YOUGHALL.
Thomas Chisholm Anstey.

HANSARD'S

PARLIAMENTARY DEBATES,

IN THE

FIFTH SESSION OF THE *FIFTEENTH PARLIAMENT* OF
THE UNITED KINGDOM OF *GREAT BRITAIN* AND *IRELAND*,
APPOINTED TO MEET 21 SEPTEMBER, 1847, AND FROM THENCE
CONTINUED TILL 3 FEBRUARY, 1852, IN THE FIFTEENTH YEAR
OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

FIRST VOLUME OF THE SESSION.

HOUSE OF LORDS,

Tuesday, February 3, 1852.

MINUTES.] *Sat first.*—The Earl of Derby, after the Death of his Father; the Lord Fitzgibbon, after the Death of his Brother; the Lord Calthorp, after the Death of his Brother.
Took the Oaths—The Lord Colville of Culross.
PUBLIC BILLS.—1^a Select Vestries; County Courts Further Extension; Office of Messenger to the Great Seal Abolition.

MEETING OF PARLIAMENT.

THE PARLIAMENT, which had been prorogued successively from the 4th of September, to the 4th of November, thence to the 15th of January, and thence to the 3rd of February, met this day for despatch of business.

The Session of the Parliament was opened by THE QUEEN in Person. Being seated on the Throne, and the Commons being at the Bar, with their Speaker, HER MAJESTY was pleased to make a most Gracious Speech to both Houses of Parliament, as follows:—

" *My Lords, and Gentlemen,*

" THE Period has arrived when, according to Usage, I can again avail Myself of your Advice and Assistance in the Preparation and Adoption of Measures which the Welfare of the Country may require.

" I CONTINUE to maintain the most friendly Relations with Foreign Powers.

" THE complicated Affairs of the Duchies of *Holstein* and *Sleswig* have continued to engage My Attention. I have every Reason to expect that the Treaty between *Germany* and *Denmark*, which was concluded at *Berlin* in the Year before last, will in a short Time be fully and completely executed.

" I REGRET that the War which

unfortunately broke out on the Eastern Frontier of the *Cape of Good Hope* more than a Year ago still continues. Papers will be laid before you containing full Information as to the Progress of the War, and the Measures which have been taken for bringing it to a Termination.

"While I have observed with sincere Satisfaction the Tranquillity which has prevailed throughout the greater Portion of *Ireland*, it is with much Regret that I have to inform you, that certain Parts of the Counties of *Armagh*, *Monaghan*, and *Louth* have been marked by the Commission of Outrages of the most serious Description. The Powers of the existing Law have been promptly exerted for the Detection of the Offenders, and for the Repression of a System of Crime and Violence fatal to the best Interests of the Country. My Attention will continue to be directed to this important Object.

"*Gentlemen of the House of Commons*,

"I have ordered Estimates of the Expenses of the current Year to be laid before you.

"I rely with Confidence on your Loyalty and Zeal to make adequate Provision for the Public Service.

"Where any Increase has been made in the Estimates of the present over the past Year, such Explanations will be given as will, I trust, satisfy you that such Increase is consistent with a steady Adherence to a pacific Policy and with the Dictates of a wise Economy.

"*My Lords, and Gentlemen*,

"The Improvement of the Administration of Justice in its various Departments has continued to receive My anxious Attention; and in furtherance of that Object I have directed Bills to be prepared, founded upon the Reports made to Me by the respective Commissions appointed to inquire into the Practice and Proceedings of the Superior Courts of Law and Equity, as nothing tends more to the Peace, Prosperity, and Contentment of a Country than the speedy and impartial Administration of Justice. I earnestly recommend these Measures to your deliberate Attention.

"The Act of 1848 for suspending the Operation of a previous Act conferring Representative Institutions on *New Zealand* will expire early in the next Year. I am happy to believe that there is no Necessity for its Renewal, and that no Obstacle any longer exists to the Enjoyment of Representative Institutions by *New Zealand*. The form of these Institutions will, however, require your Consideration; and the additional Information which has been obtained since the passing of the Acts in question will, I trust, enable you to arrive at a Decision beneficial to that important Colony.

"It gives Me great Satisfaction to be able to state to you, that the large Reductions of Taxes which have taken place of late years have not been attended with a proportionate Diminution of the National Income. The Revenue of the past Year has been fully adequate to the Demands of the Public Service, while the Reduction of Taxation has tended greatly to the Relief and Comfort of My Subjects.

"I acknowledge, with Thankfulness to Almighty God, that Tranquillity, good Order, and willing Obedience to the Laws continue to prevail generally throughout the Country.

"It appears to Me that this is a fitting Time for calmly considering whether it may not be advisable to make such Amendments in the Act of the late Reign relating to the Representation of the Commons in Parliament as may be deemed calculated to carry into more complete Effect the Principles upon which that Law is founded.

"I have the fullest Confidence that in any such Consideration you will firmly adhere to the acknowledged Principles of the Constitution by which the Prerogatives of the Crown, the Authority of both Houses of Parliament, and the Rights and Liberties of the People are equally secured."

Her Majesty then retired.

ADDRESS IN ANSWER TO THE SPEECH.

The Queen's Speech having been *reported* by the Lord Chancellor,

The Earl of ALBEMARLE rose and said: My Lords, I rise to propose that a humble Address be presented to Her Majesty in answer to the gracious Speech which we have this day heard delivered from the Throne. It is with much anxiety that I call upon your Lordships for this annual expression of your homage — an anxiety arising not merely from the novel position in which I find myself in addressing your Lordships for the first time, but also from a sense of the important and delicate nature of some of the topics which have been necessarily introduced into the Royal Speech, and to which, consequently, it is incumbent on me to call your Lordships' attention.

Her Majesty assures us that She continues to maintain the most friendly relations with Foreign Powers. I readily anticipate the satisfaction with which your Lordships will receive this gracious announcement from Her Majesty, and that you will cordially concur in this portion of the Address which I am about to propose to you. If, my Lords, we take a rapid glance at the events which have transpired in various parts of the Continent during the last four years—from February, 1848, to the present February, of 1852—if we compare these events with what has happened at home within the same time, your Lordships will concur readily in thinking that we have every reason to be most grateful for the possession of those institutions under which we have the happiness to live. For, while political storms have convulsed almost every other country of Europe; with ourselves, there has been a calm of prosperity almost without precedent even in the annals of our own island. But, my Lords, while we may be permitted to indulge in a natural partiality for our institutions, so congenial to our tastes and so adapted to our wants, we should not be unmindful of what is due to other nations. Every nation, my Lords, has a right to live under the constitution that it chooses to select. It is a right that we claim for ourselves, and it is a right which we are bound to recognise in other nations. My Lords, Providence has designed that nations should be mutually dependent upon each other, and this dependence ought ever to be in proportion to their propinquity. "A natural enemy," my Lords, a phrase very fashionable in a period of less enlightenment than our own, and too often applied to a neighbouring State, is now happily falling into disuse. My Lords, there is no such thing as "a natural enemy." God has made us to live at peace with each other—to live as friends, not as enemies. This I believe to be felt by every one of your Lordships: it is a truth, however, which has been imperfectly known, and little acted upon, by either this or any other country; and as it has caused us an incalculable amount of blood and treasure to learn, I hope we may estimate it at the price we have paid for it. My Lords, the Exhibition of last year tended greatly to impress upon us the importance of this truth; and I feel confident that the friendly intercourse among nations, and especially between ourselves and France, which took place on that great display of the industry of the world, will not easily be effaced. In the autumn of last year, I had the happiness to partake of the hospitality of the municipal authorities of Paris. I had there the satisfaction of hearing the eloquent appeal of the noble Earl the Secretary of State for Foreign Affairs; I was a witness of the enthusiasm with which the doctrines my noble Friend inculcated of peace and good-will were received by his audience.

And at a later period, when I visited the southern provinces of the same country, I had the satisfaction to find that the favourable impression towards England had extended from the banks of the Seine to the shores of the Mediterranean. With these feelings, my Lords, I do sincerely trust that the assurances of peace and good-will which Her Majesty has received from Foreign Powers, may continue to exist with all countries, and particularly with our nearest neighbour, so that we may realise the prediction which our greatest dramatist has put in the mouth of one of our kings, who prophesied that—

> "England and France, whose very shores grow pale
> With envy of each other's happiness,
> Should lose their hatred."

My Lords, Her Majesty informs us that "the complicated affairs of the Duchies of Holstein and Sleswig continue to engage Her attention, and assures us that She has reason to expect that the treaty between Germany and Denmark, which was concluded in Berlin the year before last, will in a short time be fully and completely executed." I am sure, my Lords, that that announcement will be highly satisfactory to you all, for it forms another guarantee that the general peace of Europe will not be disturbed.

My Lords, the Royal Speech goes on to express regret that a war which had unfortunately broken out at the eastern frontier of the Cape of Good Hope last year still continues. This is a subject on which there can be but one feeling of regret, involving, as it has done, a great expenditure of British blood and money. At the same time, my Lords, as papers will shortly be laid before your Lordships' House on that subject, I will only say, I have entire confidence that when these papers are laid before you, they will receive an impartial, a candid, and careful consideration.

In the next paragraph Her Majesty laments the serious outrages which have occurred in the north of Ireland; and I am sure that your Lordships participate in the regret that Her Majesty expresses in regard to these transactions. At the same time it is some satisfaction to know that general tranquillity prevails in the greater part of Ireland; and I understand that in the southern provinces—at least in some portions of them—the tranquillity is so great that the inhabitants have expressed to the Government their wish for a diminution in the constabulary force in that part of the island.

An allusion is made in the Speech, that "where any increase is made in the estimates of the present over the past year, such explanations will be given as will satisfy your Lordships that such increase is consistent with a steady adherence to a pacific policy, and with the dictates of a wise economy." I am not one of those who have the slightest apprehensions of invasion, sudden or deliberate. At the same time, I cannot conceal from myself that a descent upon our coasts is not a wholly impossible event; hence it becomes prudent to take precautions that such a contingency should be provided against. It is quite necessary that such arrangements should be made for the internal defences of the country as every other nation has made, is making, and—in duty to its people—is bound to make. Nevertheless, my Lords, I do not see that these necessary measures of self-preservation ought to create jealousy in any foreign Power.

We are informed further, my Lords, by Her Majesty, that She has, with a view to the improvement of the administration of justice in its various departments, "directed Bills to be prepared, founded upon the reports made to Her by the respective Commissioners appointed to inquire into the practice and proceedings of the superior Courts of Law and Equity;" and Her Majesty earnestly recommends them to the deliberate attention of your Lordships. Now, looking at the desire of the people, and to the expressed intentions of the Government to carry this subject into effect, I confidently anticipate that the recommendations of the Commissioners will be, not as has been too often the case of former Commissions, confined to the mere pruning excrescences, and the patching up an old system, but that they will be suggestive of reforms in Chancery on a systematic principle, which will render the administration of justice as satisfactory as the nature of human affairs will permit. Above all, my Lords, I do hope that some remedy will be suggested to prevent the unfortunate suitor from being bandied about from court to court in search of justice.

It is with confidence I look to your Lordships' concurrence in the extension of representative institutions to New Zealand. In that, as it has been very properly called, important colony, the granting a form of government in some degree analogous to that under which we have the happiness to live, has been attempted before; but a suspension of those institutions, from various circumstances, had been necessary. I trust your Lordships will now agree with the view expressed by Her Majesty, that no obstacle any longer exists to the enjoyment of representative institutions by New Zealand, and that you will give to the form of this new Government your best consideration, so as to arrive at a decision most beneficial to that colony.

My Lords, in the next paragraph of the Speech we are informed that the great reductions of taxation which have been made of late years have not produced a proportionate diminution of the revenue; that the revenue of the past year has been fully adequate to meet the demand of the public services; and that the removal of imposts has contributed greatly to the relief and comfort of Her Majesty's subjects. Of this healthy state of the revenue, and what is of greater importance, of the improved condition of the masses of the people, I have abundant evidence in my hand, as far at least as this can be tested by official figures. I find, my Lords, that in 1842, the real or declared value of British and Irish produce and manufactures exported amounted to 47,381,023*l.*; from that period down to 1848 there was in every year a progressive increase in these exports; but in the year 1848 there was a fall of 5,992,932*l.*, or nearly 6,000,000*l.* below the exports of the preceding year. Now this involves a very important consideration. Your Lordships will remember that 1848, the year of defalcation, was one of Continental convulsion; and this corroborates the fact I have endeavoured to establish, namely, that our interests are indissolubly bound up with the peace, the contentment, and order of our foreign neighbours. I am aware, my Lords, that there were other causes in the year 1848 which led to the depreciation of our industry—that there was much railway speculation, much overtrading, much suffering from the potato blight. But, my Lords, I believe, that the social disorder of our best customers was the real and principal cause of the distress. From the year 1848 to the year 1850 there was a continual rise in our exports; and in the latter year, 1850, there was the enormous increase in the exports over those of 1848 of 19,509,739*l.*, or nineteen millions and a half in the short period of three years. In order to carry the comparison farther, and to include the year just past, 1851, I quote from another return, which shows that the increase since 1848 to 1851 has been no less than 23,680,639*l.*, that is to say, the exports of our principal commodities have increased during the last nine years (between 1842 and 1851 inclusive) more than 52 per cent. Another evidence of the increased comfort and material happiness of the people is to be found, first, in the diminished number of persons receiving relief under the poor-law authorities; and, secondly, in the consequent diminution of the poor relief expenditure of the country. I have before me a tabular view of the most satisfactory nature, exhibiting this cheering improvement. In the year 1848 the total expenditure under the poor-law was 6,180,764*l.*; in 1850, with two years' increase in our population, it amounted to 5,395,022*l.*, being a reduction of 785,742*l.* The registrar's returns of births, deaths, and marriages, also indicate a progress in national prosperity. His Lordship then read extracts from the quarterly report of the Registrar General for births, deaths, and marriages, for the fourth quarter of 1851:—

> "For the whole of the year 1851 the births have generally exceeded the numbers in any previous year, and the mortality has been lower than it was in any of the ten years 1841–50, except 1843, 1845, and 1850. The births, deaths, and marriages, show a balance of births over deaths, and an increase of families, which are only observed in a state of prosperity."

But, my Lords, the decrease in the number of persons receiving relief under the operation of the poor-laws, and the diminished expenditure on their account, are not the only proof of the increasing comforts of the working classes. I have now before me a statement showing the regularly increasing consumption from year to year, for ten years together, of two commodities which formerly were considered luxuries, but now, from the improved habits of the people, may be considered necessaries of life—tea and sugar. Your Lordships doubtless remember that celebrated passage in the work of a French historian, the Abbé Raynal, which declares tea to have done more to improve the morality of the great masses of the people than the whole Statute-book put together. Now, in the year 1842, the consumption of tea in this country amounted to 37,355,911 lbs., and in 1851 it had increased to upwards of 53,000,000 lbs., showing an increase within the last ten years of 16,000,000 lbs., or of 44 per cent. His Lordship then showed that the quantities of tea entered for home consumption in 1842 were 37,355,911lb.; and that in 1851 they had risen to 53,965,112 lb. I am aware, my Lords, that the simultaneous increase of the population must be considered here; but allowing 14 per cent for that increase, there is still one quarter more tea consumed in the country than there was consumed nine years ago. I have also an account of the quantity of sugar for the same number of years, which shows a still greater increase than that of tea. This article, as your Lordships are aware, is very nutritious in its nature, and still more essential than tea to the comforts of the working man. Now, my Lords, in 1842 the quantity of sugar consumed was 3,868,467 cwts. In 1851 it rose to 6,255,574 cwts., being an increase of 2,387,108 cwts. over the former year; or of no less than 61 per cent within the ten years; but allowing the same deduction of 14 per cent for the increase of population, there remains an increase of 47 per cent on the article of sugar. Here, my Lords, are two items in the expenditure of the people which contributed a sum of upwards of ten millions between them towards the national revenue of last year—the duty on tea alone yielding nearly six millions (5,970,000*l.*), or more than the produce of the malt tax—an increase which proves that a great improvement has taken place, not only in the comforts of the people, but also in their sobriety and morals.

In Her Majesty's Speech we are next informed that Her Majesty considers this a fitting time to make amendments in the representation of the people through the House of Commons. My Lords, this is a measure which will necessarily originate in the other House of Parliament, and all that I call on your Lordships now to do is to express your readiness to give that important subject a calm and attentive consideration when it comes before you.

My Lords, it now only remains for me to apologise for the very imperfect manner in which I have discharged a duty which I would not have selected for myself; and I have to throw myself on your indulgence. I now move that an humble Address be presented to Her Majesty, in answer to Her gracious Speech from the Throne.

The Earl of Albemarle

The following is a copy of the Address agreed to:—

"Most Gracious Sovereign,

"We, Your Majesty's most dutiful and loyal Subjects, the Lords Spiritual and Temporal, in Parliament assembled, beg Leave to return Your Majesty our humble Thanks for the gracious Speech which Your Majesty has made to both Houses of Parliament.

"We humbly concur with Your Majesty that the Period has arrived when, according to Usage, Your Majesty can avail Yourself of our Advice and Assistance in the Preparation and Adoption of Measures which the Welfare of the Country may require.

"We rejoice to learn that Your Majesty continues to maintain the most friendly Relations with Foreign Powers.

"We humbly thank Your Majesty for acquainting us that the complicated Affairs of the Duchies of *Holstein* and *Sleswig* have continued to engage Your Majesty's Attention, and that Your Majesty has every Reason to expect that the Treaty between *Germany* and *Denmark*, which was concluded at *Berlin* in the Year before last, will in a short Time be fully and completely executed.

"We beg Leave to assure Your Majesty that we participate in the Regret which Your Majesty has expressed, that the War which unfortunately broke out on the Eastern frontier of the *Cape of Good Hope* more than a Year ago still continues; and we thank Your Majesty for informing us that Papers will be laid before us containing full Information as to the Progress of the War, and the Measures which have been taken for bringing it to a Termination.

"While We unite with Your Majesty in the sincere Satisfaction with which Your Majesty has observed the Tranquillity which has prevailed throughout the greater Portion of *Ireland*, we deplore, in common with Your Majesty, that certain Parts of the Counties of *Armagh*, *Monaghan*, and *Louth* have been marked by the Commission of Outrages of the most serious Description.

"We rejoice to learn that the Powers of the existing Law have been promptly exerted for the Detection of Offenders, and for the Repression of a System of Crime and Violence fatal to the best Interests of the Country; and we thank Your Majesty for acquainting us that Your Attention will continue to be directed to this important Object.

"We thank Your Majesty for informing us that the Improvement of the Administration of Justice in its various Departments has continued to receive Your Majesty's anxious Attention; and that in furtherance of that Object Your Majesty has directed Bills to be prepared, founded upon the Reports made to Your Majesty by the respective Commissions appointed to inquire into the Practice and Proceedings of the Supreme Courts of Law and Equity.

"We humbly concur with Your Majesty in the Persuasion that nothing tends more to the Peace, Prosperity, and Contentment of a Country than the speedy and impartial Administration of Justice; and it will be our Duty to give our best Consideration to those Measures which Your Majesty has recommended to our Attention on this Subject.

"We humbly beg Leave to express our Thanks to Your Majesty for informing us that Your Majesty believes that there is no Necessity to renew the Act of 1848 for suspending the Operation of a previous Act conferring Representative Institutions on *New Zealand*, which will expire early in the next Year, and that no Obstacle any longer exists to the Enjoyment of Representative Institutions by *New Zealand*. We assure Your Majesty that the Form of these Institutions shall receive our best Consideration; and we trust, with the Aid of the additional Information which has been obtained since the passing of the Acts in question, to arrive at a Decision beneficial to that important Colony.

"We beg Leave humbly to state to Your Majesty, that we participate in the Satisfaction which Your Majesty has been pleased to express in being able to inform us that the large Reductions of Taxes which have taken place of late Years have not been attended with a proportionate Diminution of the National Income. We rejoice to learn, that while the Reduction of Taxation has tended greatly to the Relief and Comfort of Your Majesty's Subjects, the Revenue of the past Year has been fully adequate to the Demands of the Public Service.

"We humbly join with Your Majesty in acknowledging, with Thankfulness to Almighty God, that Tranquillity, good Order, and willing Obedience to the Laws, continue to prevail generally throughout the Country.

"We humbly thank Your Majesty for the Expression of Your Opinion, that this is a fitting Time for calmly considering whether it may not be advisable to make such Amendments in the Act of the late Reign relating to the Representation of the Commons in Parliament as may be deemed calculated to carry into more complete Effect the Principles upon which that Law is founded.

"We thank Your Majesty for the Expression of the Confidence which Your Majesty feels, that in any such Consideration we shall firmly adhere to the acknowledged Principles of the Constitution by which the Prerogatives of the Crown, the Authority of both Houses of Parliament, and the Rights and Liberties of the People are equally secured."

Lord LEIGH: My Lords, in rising to second the Address proposed in reply to Her Majesty's most gracious Speech, permit me, in the first place, to request the favourable indulgence of your Lordships while I, with unfeigned diffidence, express my regret that I should, on the first occasion on which I have the honour of addressing your Lordships, have so important though gratifying a part to perform; greatly as my difficulties have been lessened by the very able manner in which the Address has been proposed to you by the noble Earl who has just sat down. But, while deeply regretting my own inability to do justice to the present occasion, I feel the more encouraged to expect a favourable reception at your hands, when I rise to record my entire concurrence throughout with the sentiments contained in the Speech from the Throne, confident that in so doing I am carrying with me the feelings of the House. The contents of the Speech have been so ably and fully commented upon by the noble Mover of the Address, that I will not detain you with any observations of my own on the war which unfortunately broke out on the eastern frontier of the Cape of Good Hope more than a year ago, and which still continues, as papers will be laid before you containing full information as to the progress of the war, and the active measures which have been taken for bringing it to a termination. Nor will I delay you with remarking on the importance of the measure contemplated for the improvement of the law, as recommended by Commissioners, with a view to its more speedy administration; nor pause to press upon your Lordships the propriety of granting a new constitution to that important dependency of this great empire, New Zealand. But, while granting the wisdom of making some addition to our forces to protect the extended possessions and interests of this great nation, I cannot but congratulate your Lordships on the amicable relationships existing between ourselves and our foreign neighbours; while the prosperous state of the revenue, notwithstanding the remission of taxation (the falling off being far short of the amount remitted), must be an additional subject of congratulation. The prosperous condition of all classes of Her Majesty's subjects, together with the brightening prospects of the agricultural world, seem to promise a continuance, nay, an increase, of that national prosperity and contentment which the enlightened rule of our beloved Sovereign has, under Providence, hitherto secured to us. At the same time, the increasing population, the wealth and enlarged intelligence of the people, seem to call upon your Lordships to consider calmly the expediency of any further alterations in the provisions of the Reform Bill. Though outrages of a peculiar character have been prevalent in three counties in Ireland, which the utmost powers of the law have been and still are exerted to suppress, yet it is gratifying to know that the general state of that country is more satisfactory. Such being the case, and having, I believe, briefly touched upon most of the topics of Her Majesty's most gracious Speech, it only remains for me to express my hope and belief that the Address will meet with your cordial and unanimous approval.

On the Question being proposed,

The EARL of DERBY said: My Lords, important and multifarious as are the topics which are treated of in the gracious Speech just delivered from the Throne, I am happy to be able to state, at the very outset, that neither in the terms of that Speech, nor the Address in reply to it, do I find any grounds for compelling the introduction of a hostile Amendment; nor yet do I find in the speech of the noble Earl who moved the Address, nor in the speech of the noble Baron who seconded it, anything which requires much serious animadversion, saving always that splendid outbreak of the noble Baron on the brightening prospects of the agricultural interest. The topics, however, of the Speech and of the Address are, I repeat, so important and so multifarious, that I feel I should not be performing my duty either to the House, or to the position which I have the honour to occupy in it, or to the party with which I have the honour to act, if I did not shortly express my opinions, and in expressing my opinions I know that I am expressing theirs, on some of the matters mentioned in that Speech. I said that the topics were important and multifarious; and, with all due deference to those who prepared that Speech, I must add that I never saw or read a Speech in which the topics were jumbled together in such admired confusion, and in which there was such a total abstinence from all connection and order. We begin with a declaration of the friendly state of Her Majesty's relations with Foreign Powers. We are then transported to the complicated state of affairs in the Duchies of Holstein and Sleswig; and thence we jump to our antipodes in the Cape of Good Hope. We are next carried to the tranquillity which reigns in one part of Ireland, and then to the outrages which have been committed in another; and from the outrages in Ireland to the Expenditure required to make adequate provision for the Public Service. Thence, again, we jump to the reforms to be made in the practice and proceedings of the Superior Courts of Law and Equity; and thence to the reform in the representative institutions, not of the United Kingdom, but of New Zealand. Then, making a sudden flight from New Zealand, we come back to Her Majesty's declaration of satisfaction at the economical prospects of the country; and then, having already disposed of the representative system in New Zealand, we are recommended by Her Majesty to give some attention to the representative system of Old England. I am not surprised, my Lords, that for some time past rumours have been in circulation that the Cabinet is not in that complete and perfect state of organisation which some could wish; and I can really not account for such an extraordinary concoction as this Speech is, unless by supposing that each of the fifteen constituent members of the Cabinet introduced each a paragraph into the Speech, and, having jumbled them together into a box, drew lots for the precedence in its organisation. But, my Lords, the order of the arrangement of the Speech is of much less consequence than the topics themselves. Before, however, I come more particularly to them, it will be my duty, my Lords, to advert to two topics which are not adverted to in that Speech, and on which I shall be happy to elicit some expression of opinion from Her Majesty's Ministers. In the course of last year Her Majesty's Government thought it fit and necessary to use expressions of condolence regarding the distress which prevailed at that time among a large and important class of Her Majesty's subjects: I mean the class connected with agriculture. I have seen, my Lords, and not without surprise, that this topic is now altogether omitted from the Speech. I am at a loss to know how and in what degree the prospects of the agricultural interest have materially "brightened" since last year; but I was wholly unprepared for that splendid outbreak with which the noble Baron enlivened us, when, with a gallantry natural to his age and to his profession, he rushed forward to congratulate the agricultural classes, of all people in the world, on their eminent and increasing prosperity. I wish that I could share in the visions of prosperity in which the noble Baron indulged; but I confess that, in spite of the rise of 2*s.* a quarter in the price of wheat in the course of the last few weeks, bringing up the price to the unprecedented amount of 39*s.* 3*d.* a quarter, I see no prospect of material prosperity for the agricultural interest. There is one class, indeed, which I may congratulate on this recent rise, if I may trust to the accounts in the newspapers, and that is not the agriculturists, but the bakers. I see this day—and it is worthy of the attention and consideration of the public, if not of the Legislature—I see that in consequence of this rise of 2*s.* per quarter in the price of corn, that is, of 1-20th part of the price of the raw material, the price of the 4 lb. loaf is increased a penny, that is, it has been increased a fifth in consequence of the rise of a twentieth in the price price of the raw material. Now, I beg that in this case the country will consider that the increase in the price of the 4 lb. loaf ought to rest on the shoulders of those who ought to bear the responsibility, and ought not to be attributed to the increase in the price of corn. However, I don't wish to overstate or exaggerate any part of the case, and I readily admit that even under the present system some portion of agricultural produce—I mean barley and oats—has maintained its price to an extent greater than I and others anticipated. But, my Lords, with regard to that most important article of agricultural produce, wheat, I must say the effect of the repeal of those laws which protected the native agriculturist, has influenced prices to a far greater extent than I ever ventured to anticipate. At the present moment the price of wheat is below what was anticipated even by those who assured us that the prices then existing were purely exceptional. For the last three or four years the price of wheat has been falling in this country; and my belief now is, as it was some two or three years ago, that the production of wheat in this country, unless some alteration of the law shall take place, must diminish to an extent alarming, if not dangerous, to this country. My Lords, I do not look upon it as a matter of indifference that a large and increasing portion of our supplies should be imported from other countries, because, unless we are misinformed, a prohibition of exportation from these countries may not be distant or improbable. I am not convinced that the repeal of the corn laws may not lead to frequent fluctuations in price; but I am confident that the effect of the repeal of these laws must be to render this country more than ever dependent on foreign countries for its main supply of food. That, my Lords, is a state of things dangerous to this or to any country; and I have not at all altered my opinion, that, for the purpose of revenue, as well as the protection of native industry, it is desirable that agricultural produce should be included in the articles of import on which a revenue should be raised. But perhaps I should not have said anything on this subject had it not been for the expression which fell from the noble Baron on the brightening prospects of agriculture.

I now pass, my Lords, to another question of equal interest, on which I hope to hear some explanation from Her Majesty's Ministers. At the commencement of last Session we were told, in most pompous language by the Prime Minister, that a most insolent and violent aggression had been committed on the independence of the country — that an attack had been made on our religious liberties—and that there was a conspiracy, an organised conspiracy, against the Protestant institutions of England. After an announcement sufficiently ample to warrant the re-enactment of the whole code of penal laws, a measure was introduced, which occupied the attention of Parliament almost to the exclusion of every other subject from the beginning of the Session to its close, for the purpose of repelling that insolent and violent foreign aggression. I thought at the time that there was serious danger threatening our Protestant institutions; but I also thought that Her Majesty's Government was dealing with the surface and not with the substance of that danger, and with a small part and not with the whole of the evil to be encountered. Though I felt it my duty to support that Bill, yet I could not help feeling also that, limited and scanty as it was, it was not calculated to attain the object, limited and scanty as it was, which it sought to accomplish. I wish to ask, then, whether any one of Her Majesty's Ministers will get up and say with a grave face that he is satisfied with the result of that legislation? I wish that Minister to tell me in what way that law has been effective—in what degree the aggression has been repelled—and, above all, in what manner the institutions and liberties of Protestant England have been secured against the past and present aggression of the See of Rome? I am glad to see that the noble Earl opposite (Earl Grey) is taking a note of what I am now saying, for I shall be glad to hear him state the mode in which that Act has had any effect in repelling or removing aggression, or in placing our liberties in security, or to hear him state that the law has been obeyed implicitly, and has produced all the effect intended. For, my Lords, what is the fact? The fact is, that the law, whether so intended or not, has been entirely a dead letter—ay, and worse even than a dead letter, because it has been a target at which all manner of abuse, vituperation, and defiance has been launched. The law, I say, has been violated with impunity—yes, openly and ostentatiously. Perhaps the noble Earl will tell me that no steps have been taken to punish the violation of the law, because no proof of its violation could be obtained. Now, that places the Government in this dilemma, either that the law is such that it renders proof of the commission of the offence which it proposes to punish impossible, or that it has been openly violated, and in that law all the authority of Parliament and of law in general has been openly, wantonly, and ostentatiously set at nought. I expect, however, to hear either that Ministers are satisfied with the law as it now stands, and that no further steps are to be taken to strengthen it, or else that they propose to take measures to vindicate that which last Session they declared to be a matter of national importance.

I pass now, my Lords, to other topics; and, delicate as I know some of them to be, I shall not hesitate to speak on them, being bound by no such ties of official responsibility as are Her Majesty's Ministers. Her Majesty's Government announce that Her Majesty "continues to maintain the most friendly relations with Foreign Powers." Perhaps, if I had been seeking for an expression which would correctly describe our relations with Foreign Powers, I should have selected as the more appropriate one, "Our relations with Foreign Powers continue on as friendly a footing as when I last addressed you." But, though it be a question of a more personal nature if our relations with Foreign Powers continue on the most friendly footing, yet it is a subject, at all events, on which the country will think, if not with anxiety, at least with some curiosity, how it came about that the Government found it necessary and expedient to part with the services of one of the most able and skilful of their colleagues. My Lords, I have had occasion frequently to find fault with the foreign policy of that noble Lord, and if he had still continued a Minister of the Crown, I should probably have found it necessary to comment on some of the transactions which have taken place since the last Session of Parliament; but no one can have any doubt that the noble Viscount was fully equal to the business of his office—that he is a man of the highest character, of the highest ability—and the opinion, therefore, must arise that some serious cause alone could have induced the Government to dispense with the services of one of their most experienced coadjutors. If not, then, in this House, I presume that in the other House of Parliament public curiosity will be satisfied. I pass from that topic to one which is of infinitely more importance, namely, the real state of our relations with Foreign Powers. Even at this late hour, there is some hope that within a very short period the treaty between Germany and Denmark, which was completed the year before last, will fully succeed. I rejoice in the removal of the cause of complaint and of difference between any two European nations, because I know how liable the slightest spark of dissension between any two countries might be to kindle a flame which it might be far more easy to kindle than to extinguish. But, my Lords, although Her Majesty's Ministers have alluded to the friendly relations maintained between this and Foreign Powers, they have not alluded to their relations with France. It may be politic on their part to do so; but I am not bound by any of those ties by which they are bound to abstain from speaking openly upon the subject. I entirely agree with the noble Earl who moved the Address (the Earl of Albemarle) that the internal administration and government of each country is a matter for the consideration and arrangement of that country alone; that it rests with that country alone; and that that with which other countries have to deal is the Government *de facto*, without reference to whether it be the Government *de jure*. With regard to France, its government for the last sixty years has been a succession of usurpations of one kind or another; but on no occasion have we thought it to be our duty to protest against that system of government which the French had chosen for themselves, whether the constitutional monarchy of Louis Philippe, the Republic of 1848, or that which I suppose I am still bound to call, by courtesy, "the French Republic" of 1852. In each case the form of government has been the deliberate choice of the people of France, and that form is one which, as that choice, we are bound to respect. We are bound to consider, undoubtedly, whether one form of government or another, whether one state of affairs or another, existing in a country in our immediate neighbourhood, may exercise an influence for good or evil over our own national relations and our national independence; but beyond the question of how far it may affect our own material national interests, we have nothing whatever to do with any shade or form of government which a country may choose, from the most absolute despotism down to the most entire red republicanism. It is not for us, therefore, here to canvass every step which has been taken in France —to canvass either the policy or morality of any particular act which may have been done. It is enough for us that the existing state of government has been acquiesced in by the French almost with unanimity — it is enough for us to see that the extraordinary powers which are exercised by the French President have been conferred upon him by the almost unanimous expression of the popular opinion of France — it is enough for us to see that he holds the power which he now exercises by a title which we are bound to respect, that of the declared and expressed will of the people of France. My Lords, I will go further, and I will say that I firmly believe that the French President personally is fully disposed to entertain friendly relations, and to maintain a pacific policy towards other nations. But, my Lords, I think that if anything could divert him from that course—if he were a man likely to be worked upon by his own personal feelings—if anything were likely to divert him from that course of policy which I believe his inclination and his sense of the interests of France are likely to make him take, it would be the injudicious, and, I may add, unjustifiable language, which has been made use of by a large portion of the public press of this country in commenting upon the character of the French Government and people. If, as in these days, the press aspires to exercise the influence of statesmen, the press should remember that they are not free from the corresponding responsibility of statesmen, and that it is incumbent on them, as a sacred duty, to maintain that tone of moderation and respect, even in expressing frankly their opinions on foreign affairs, which would be required of every man who pretends to guide public opinion, and which is naturally expected from every man who does not seek to inflict the most serious evils upon his own country and others; and I say that it is more than imprudent, that it is more than injudicious, that it is more than folly—that it is perfect madness—at one and the same time to profess a belief in the hostile intentions of a foreign country, and to parade before the eyes of that very people the supposed inability of this country to defend itself; to magnify the resources of your supposed assailant, and to point out how easy would be the invasion, if not the subjugation, of this country (though, thank God! the most violent have not yet spoken of subjugation); but to speak of that invasion, accompanying it with details of the fearful amount of horror and bloodshed which, under any circumstances, must attend it, and then, in the same breath, to assail with every term of obloquy, of vituperation, and abuse, the public and private character of the man who wields that force which you say is irresistible. I am sure, my Lords, that whatever unfavourable impression may have been made on the public mind of France by the unjustifiable censures of the public press, that impression may be removed to a great extent by the frank expression of opinion such as you have now received in this and the other House of Parliament; and certain I am that in making use of these expressions I speak the opinion of every well-judging and well-meaning friend of his country. But, believing as I do in the pacific policy of Prince Louis Napoleon, certain that the preservation of peace is an object of not less importance to France than to England, certain that the whole Continent of Europe would be banded as one man against him who should unjustifiably violate the state of peace in which happily for some time we have been reposing, conscious as I am also that the violation of peace would ultimately recoil on the country which leads to it, I cannot yet conceal from myself that the state of France is at present in so unsettled a condition that even the ruler of that country may not always be a free agent. I know not the passions which may suddenly break out—what the motives which may influence that vast army, which, well equipped, numerous, and powerful, does hold in its hand at this moment an important influence over the destinies of France and of Europe. A sudden ebullition of public feeling may override all considerations of sound and long-sighted policy, and overbear the prudent determinations of the ruler of France; and I think, therefore, if in truth we are in anything approaching that state of the want of provision for the defence of this country in which we are assured we are by the noble Earl, that you are bound to take care, looking at the unsettled state of affairs in France, and of the possibility of the Government of that country being overborne by an unreasoning popular clamour, that such precautions are taken in this country, and such provisions made for its defence, as would render an invasion not only a matter of improbability, but of absolute impossibility, on account of the results that must ensue from it. Therefore—I know not what others may think—but if with the view to the preservation of peace, if with no aggressive intention—and none such can be entertained by any of your Lordships—if Her Majesty's Government, on their own responsibility, say that for the purpose of internal protection and of guarding ourselves against any the slightest risk of horrors which none of us, thank God! have ever had an opportunity of realising in our own persons, further expenditure be necessary, I am sure that I and those who act with me will be the last men who, because on other matters we differ from the Government, will seek to withhold from them that which they require for the safety and wellbeing of the country; and nothing will induce us to shrink from the responsibility of making effective provisions for security. But, my Lords, there may be one lesson which we may learn from the state of things in Paris—we may consider for our own advantage how nearly the two extremes of unlimited republicanism and unlimited despotism approach—we may draw from the history of France and the state of other countries, that any country which weakens and destroys the influence, whether in or out of the Legislature, of that great permanent body, the territorial possessors of the land—I don't speak of your Lordships' House, important members of that great body as you are, but of the country gentlemen of England, who are spread throughout the length and breadth of the land, who have the prestige of old hereditary descent, and whose names have been handed down through nany centuries, exercising a conservative influence (not in the sense of party, but of conserving the institutions of the country) each in his own immediate neighbourhood—I say, if you weaken and destroy that body—if you take away the power of that class, which is intimately and indissolubly connected with the soil of the country, you may produce a republic, you may produce a despotism, you may produce a violent oscillation between the extreme of popular frenzy and the extreme of military despotism, but you destroy the possibility of the existence of a limited and constitutional monarchy, and take away the best and only security for the well-regulated liberties of the country; for, without meaning the slightest disrespect to the great community on the other side of the Atlantic, I venture to say that the amount of individual liberty—meaning by that, liberty of speech, liberty of opinion, liberty of action—is far inferior there to that which is enjoyed in this country; and that in the republican institutions of America the absolute majority is a greater tyrant over public opinion than any which exists under our monarchical institutions.

My Lords, in the next paragraph of the Speech, Her Majesty expresses her regret that the war at the Cape still continues. I am aware that I may be charged with rambling from one subject to another, but I must remind your Lordships that I am following the order, or rather the disorder, of the Speech to which I am directing your consideration. My Lords, it certainly is a matter of serious regret, and must be, moreover, of serious inquiry, how it is that that war, which has been so long raging in the Cape colony, is not only not yet brought to a termination, but has not yet made any material advance in that direction. If that war—if so it may be called, that "little war" against which we were so emphatically warned by a most distinguished authority in this House—in which we have been engaged for a period of now nearly two years— [Earl Grey:

Just thirteen months.] Well, if now for thirteen months a body of savages have been able to carry on a warfare, and a successful warfare, against all the troops which the Government have been either able or willing to spare for that service, it is manifestly a matter which requires the most serious consideration. I know, as well as the noble Earl, the difficulties attaching to the government of the Cape colony; but I must say that I think those difficulties have been seriously aggravated by the unnecessary assumption of a nominal sovereignty over a district of country over which it was absolutely impossible that you could exercise that permanent amount of authority which ought to be inseparable from the sovereignty of the Crown. I think that great errors have been committed by unnecessarily extending our frontier, by increasing our line of posts, and at the same moment that we immeasurably increased the extent of the frontier to be defended, not only withdrawing a considerable portion of the troops actually at the Cape for the purposes of a war then hardly extinguished, but also withdrawing, from a false spirit of economy, a portion of those troops in the neighbouring colonies, from which, in the event of an outbreak in the Cape, reinforcements might have been most easily obtained. The Speech speaks of the "progress" of the war; but I am much afraid that in this matter Her Majesty's Government can only "report progress" in a Parliamentary sense, when no advance has actually been made. The only progress I am aware of is that Her Majesty's Government have recently, for the second time, thought fit in the middle of a war to supersede the Commander-in-chief during his military operations, and to send out another person to fill his place. I know not—and can scarcely venture to ask the question—whether the military stigma thus thrown on the character of the Governor at the Cape is a stigma attached to him on the military authority of the noble Earl opposite (Earl Grey), or on what he will himself, I think, admit to be the higher authority of the Commander-in-chief of Her Majesty's forces. We will wait patiently for the explanations which Her Majesty's Government may have to give with respect to the little progress they have made in this case; but the subject is one which will demand—and will, I am sure, receive—the most anxious and careful consideration both of this and of the other House of Parliament, not only with a view to censure that which may have been done amiss, but to prevent for the future the recurrence of an unlimited outlay, of a discredit to British arms, and of a perpetual and unavailing struggle for a worthless possession.

But Her Majesty's Government have observed with "sincere satisfaction the tranquillity which prevails throughout the greater portion of Her dominions." I am afraid, however, that in some parts of Ireland there is a melancholy reason for the tranquillity which prevails in them: where hundreds of thousands of acres are lying almost without inhabitants, and without cultivation, it is not very extraordinary that tranquillity should prevail in them. There is no doubt about it, that famine and emigration have done their worst; there is no doubt about it, that a relief by the most frightful means has been afforded to the previously exuberant population of the south and west of Ireland. It is a singular instance, certainly, of the prosperity on which Her Majesty's Government think that we may congratulate ourselves, that from this happy country there is pouring forth such a stream of emigration as no other country has hitherto ever witnessed, and which is characterised in Ireland as the "exodus of the Irish people." This is one of the most singular and lamentable instances of prosperity I know of; but, at all events, I have no doubt that emigration and death have, to a certain extent, tended to produce that absence of violence in the south of Ireland on which Her Majesty's Government congratulate themselves. It is impossible, however, to look without feelings of the deepest anxiety and apprehension at the state of the north of Ireland—at the not individual outrages, but that systematic violation of the law, that systematic perpetration of the most atrocious crimes, which now characterises so many portions of a hitherto peaceful district. I hope that Her Majesty's Government are taking steps, not only for punishing the instruments of those abuses, and the diabolical association which has extended itself over so large a portion of Ireland; but I trust they are taking steps also to come at the instigators and the contrivers of that association, and all those, who under any pretext, however holy, connive at or conceal their knowledge of the existence of those crimes. Her Majesty's Government say that they have promptly resorted in this case to the powers of the existing law. But I regret to find, that however promptly they may have resorted to them, they appear to have resorted to them unsuccessfully; for within the course of the last twenty-four hours, since, as I suppose, this paragraph of the Speech was agreed upon, we have received an account of a most unfortunate nature, of the double failure of the first of those prosecutions which have been commenced on the part of Her Majesty's Government at the special sessions, by which a damp has been thrown on the administration of justice, an encouragement has been given to the perpetration of further outrages, and that which ought to be, as it is in England, an instrument of upholding and supporting the majesty and vindicating the authority of the law—namely, the institution of the jury itself—has been made an instrument for defeating and destroying the administration of justice. The jury may have been justified in not convicting the prisoner; but if they were justified in disagreeing as to their verdict, then I say that Her Majesty's Government have acted, as I think, with culpable precipitation in hastening the holding of the special commission, because that commission ought not to have been appointed unless they were perfectly certain that the evidence they had to adduce in the case was such as could be attended with no risk or hazard of failure. At all events the convictions have failed; the law is defeated; justice is defrauded; and the effect of this impression is evident, for at the very time this special commission is sitting, two persons, as I understand, have been arrested within a very short distance of the place where the commission met, charged with the crime of lying in wait for the purpose of committing another atrocious murder. The state of things in that country is such as to require, no doubt, vigorous administration of the existing law; but I should be better satisfied if, in this paragraph, Her Majesty's Government had not been content with saying that their attention would still be directed to this important subject, but had taken upon themselves to assure us that if the ordinary powers of the law for the suppression of this organised system of outrage should be insufficient, they would not hesitate to apply to Parliament for such extraordinary powers as they might deem necessary for the security of life and property.

My Lords, with regard to the question of law reform, no one, of course, can doubt the importance of securing a speedy and impartial administration of justice in the various judicial courts of this country. Upon that subject I will only say that I hope due attention will be given by Her Majesty's Government to the recommendations of the Commissioners, on which recommendations Bills are to be founded, although very little time for that consideration has as yet been given, inasmuch as the document containing the views of the Commissioners was not, I believe, signed until last week. I trust that the subject will be carefully and maturely considered, and that this is not to be, according to the statement of the noble Lord who seconded the Address, a mere patching up of the old system, but a total and entire change and reorganisation of the courts. I trust that the measure will be speedily introduced into your Lordships' House, and under the sanction of that Member of the Cabinet who is more immediately connected with the administration of the law. I cannot hesitate to say, that, looking at the various subjects to be brought under the consideration of the other House, and looking at the nature of this particular subject, it is absolutely essential that it should be brought, at an early period, not under the consideration of the other, but under the consideration of your Lordships' House.

From the courts of justice we proceed to New Zealand. It is certainly very satisfactory to know that the time has arrived when, in the judgment of the noble Earl opposite, New Zealand is fitted for representative institutions; but I cannot forget that that time had arrived, in the judgment of the noble Earl, some five or six years ago. In the year 1846, or the year 1847, the noble Earl prepared a bran new constitution for New Zealand. But in the course of the year 1848 he found it advisable to introduce a law for suspending that constitution. The suspending law is at present about to expire; but your Lordships are not to imagine that at the expiration of the period of its suspension the suspended law is to revive. Far from it; you will have to consider again another new constitution; for the former one is now considered unworkable, and you are again about to be called upon to determine what species of representative institutions are at this moment applicable to New Zealand. I have no doubt but you will give to that subject your deliberate, calm, and careful consideration. But you will also, I feel persuaded, find some little time to devote, at intervals, to the comparatively insignificant subject of the representative institutions of this country. Upon that subject I wish to say a few words.

I pass over without any detailed notice the satisfaction which has been expressed by Her Majesty's Government "that the large reductions of taxes which have taken place of late years have not been attended with a proportionate diminution of the national income, and that the revenue of the past year has been fully equal to the demands of the public service." But when it is said that the revenue has been adequate to the public exigencies, I must remind your Lordships that a considerable portion of that revenue consists of a tax, not very popular in the other House of Parliament, and for the continuance of which there appears to be no very absolute certainty. The adequacy of the public revenue to the demands made upon it, depends, at all events, upon a tax which, if we are to believe Her Majesty's Government, we may be compelled to have recourse to as a war tax; but on that account it is most important that it should not be unnecessarily continued in time of peace. And yet without the imposition of that tax, with all its inequalities and all its injustice, you could not venture to say, that with the great prosperity of the country the revenue was adequate, or anything like adequate, to the exigencies of the public service. I will not attempt to follow the noble Earl who moved the Address in answer to the Speech from the Throne through the various statements which he presented to the House. I shall, however, make an observation upon one point. The noble Earl speaks of a very large increase in the commercial exports of this country within the last few years. I wish that the next time he speaks upon commercial subjects, he would ask the commercial men in this country whether they found their profits to afford any proportion to the amount of their exports. I believe that, one and all, they would tell him there never was a year of such low profits, and in many respects of such serious commercial losses, as the year 1851, with all its boasted prosperity. The noble Earl would also do well to look at the returns to the property tax during the past year, and more especially that portion of the property tax which is collected from trades and professions. The decline in that item of the national revenue does not afford a ground for that extremely sanguine view which the noble Earl has taken of the commercial prosperity of the country. We find that profits do not keep pace with exports, and that those profits as exhibited in the property tax of the year show not only no increase at all, but indicate a progressive decline in the amount of capital on which that tax is paid.

My Lords, the last topic adverted to in the Speech from the Throne is the project of Her Majesty's Government for a reform of our representative institutions. Now I do not hesitate to say I am glad to find that we are not called upon to concur with Her Majesty's Government in the opinion that this is the fittest time for the introduction of such a measure. In one respect, no doubt, we may enter upon a consideration of it with the utmost calmness, for I believe that instead of saying that it is viewed with calmness throughout the country, we might use the stronger words—with entire apathy. I do not believe that throughout the length and breadth of the land, apart from Her Majesty's Ministers, there are five reasonable men who consider it a matter of the slightest importance whether this Bill be introduced or not, or who have the slightest desire for an agitation of the question of Parliamentary reform. I think that the announcement of the intention to introduce this Bill was an unjustifiable act on the part of Her Majesty's Government. I believe that announcement to have been made hastily and unadvisedly, not because the state of the country required a deliberate investigation of our representative system, but as a vague lure held out in the hope, which turned out to be frustrate, of escaping an adverse division in the House of Commons, while the Prime Minister left it subsequently to himself and to his colleagues to consider to what extent it would be convenient for them to gratify the expectations they had created. I may be wrong, but I cannot help thinking that when the announcement of the noble Lord at the head of the Government was first made upon the subject, not only his Royal Mistress and his colleagues were utterly unprepared for such an announcement, but that he had not himself at the time the slightest idea what were to be the nature and object of the Bill he was to introduce. I believe that this is a course which is not justifiable in any man who holds the high position of Prime Minister of this country, and that he was either unduly tampering with the exaggerated expectations of the people, or else he was throwing down to be discussed and commented upon, and to become a subject of popular agitation, a topic which of all others would be most likely to kindle angry controversy. But Her Majesty's Government have pledged themselves to introduce this Bill; and for my own part I do not hesitate to express my opinion that any advantage which can be derived from a change in our representative system will be more than counterbalanced by the disadvantages of a renewed agitation on this exciting topic—of a renewed uncertainty as to any stability in our institutions, and the prospect of a constant change in the very basis of our constitution. But Her Majesty's Government are pledged to bring forward a Bill upon this subject, and I presume they are by this time agreed upon its details—I presume so, but I do not believe there is any absolute certainty upon the point. Well, then, I say it will be our duty calmly and deliberately to consider the nature and extent of the Bill, and the principle on which it is founded. The Speech from the Throne is undoubtedly extremely vague upon the subject. We are told that its object will be to carry out the measure of 1832. Now, the Bill of 1832 was introduced for the purpose of doing away with some of those anomalies which length of time had produced in our representative system. It was introduced for the purpose of doing away with what were absolutely nomination boroughs, some of which existed only in the imagination. It was at the same time thought advisable to give to the independent inhabitants of certain great towns that representation which was monopolised by self-elected bodies, and also to admit to that share in our representative system, to which I think they were fairly entitled, certain towns which had gradually grown up into importance, and to give them their due weight, but not more than their due weight, in the representation of the country. Such were the principles on which the Reform Bill of 1832 were based; but I believe that no one declared more emphatically than the noble Lord at the head of the Government, that the objects of the Bill of 1832 had been effected; so emphatically, indeed, on various occasions, has the noble Lord declared himself opposed to further change, that the word "finality," which inadvertently escaped from him, has been attached to his name. It would now appear, however, that although the noble Lord thought this country could not bear a revolution once in five years, he is of opinion that extensive changes may be introduced in our representative system once in twenty-one years. He seems to think that the constitution of this country is something like an agricultural lease—that at the end of twenty-one years the tenant has derived the fullest advantage from his old lease, and that it is full time then for him to enter into a new contract. Now I confess that I cannot admire that perpetually fluctuating condition of the representative system in this country. I think it will be necessary for Her Majesty's Government to show why this Bill was required, and I think it will be rather difficult for them to satisfy the country that any Bill upon the subject was required at this moment. They will, however, have to state not only why they thought an alteration in the present system was called for, but they will also have to state in what sense, and with what view and what object, their alteration of the existing system is introduced; and upon the explanations which they may give upon those points, will depend the opposition or support which they will meet with from that great party with which I have the honour to act. We may think it would be more advisable that no Bill should be introduced; Her Majesty's Government have taken upon themselves the undivided responsibility of saying that this question shall be again opened. But I do not say that in itself an extension of the numbers of the constituency will not be perfectly consistent with the useful administration of the affairs of this country, which is, after all, the great object of all representative institutions. I say, however, that although numbers may not materially affect this question, the class of new constituents whom you are to introduce, and the distribution of the power which is to be given to that class, may and must most materially affect the character of the body to be hereafter elected. I presume that Her Majesty's Government are not going to lend themselves to the notion that they are to do away with all existing irregularities and anomalies. I presume that they are not going to cut up the country into districts in which representation would be precisely coincident and coequal with the population of those districts. I presume that none of those fallacies will enter into the scheme of Her Majesty's Government, I am convinced that if it were possible for them to accomplish such a scheme, nay, if it were possible for them to introduce a perfect equality with regard to the representation in the other House of Parliament, that perfect equality would be entirely discordant from the spirit of the British constitution, and would produce the most unfavourable effect on the constitution of the House of Commons itself. I am satisfied that the very essence of the utility of the House of Commons as a representative body is, that it represents all classes and all denominations — not perhaps according to any precise or fixed rule, but that every class of Her Majesty's subjects finds there its appropriate representative and organ—that large communities do not overbear the small—that the crowded masses do not preponderate unduly over the scattered population of the country. I trust that in the course which Her Majesty's Government are about to take, they do not mean to disturb the existing balance between the different classes of the community, or to give to the population of the large towns a larger influence than that which they at present possess over the legislation of this country—that they do not mean to swamp the distinction between the county and the borough voters, and to overwhelm that which I have already stated to your Lordships I believe to be the main security for the maintenance of the constitution of the country and the liberties of the people—namely, the permanent influence of the land — by giving a still larger preponderance to those whose apparent interests at all events are at variance with those of the proprietors of the soil. According, not to the extent of the Bill, but according to the extent of the principle involved in it, shall our course with respect to it be shaped. I can imagine it possible that some of the more eager supporters of Her Majesty's Government may approve of the principle of the measure, and yet be dissatisfied with the extent to which they are prepared to go; so that the extent of the Bill will not be the question at issue so much as the principle involved in it, and the objects which the Government seek to attain by it. If we should concur in its objects, and think that it is calculated to meet existing abuses—not to do away with theoretical anomalies and irregularities, but to correct substantial injustice—then Her Majesty's Government need apprehend no factious opposition from us to the introduction of the measure, however unnecessary or unwise we may think it. But if their object be to extend still further the democratic power in this community at the expense of those more conservative influences which maintain the permanent and fixed institutions of the country, then, I say, I care not what may be the step made—it is, in my belief, a step made in a dangerous direction—and to that principle I shall be compelled to give such opposition as it may be in my power to offer.

My Lords, I believe I have now gone through most of the topics, if not all the topics, introduced in the Speech from the Throne. We shall have other opportunities of dealing with many of those topics separately and individually, and much more conveniently than in the course of an incidental discussion such as this; and I now conclude by repeating what I stated at the outset, that neither in the Speech from the Throne, nor in the language held by the noble Lords who have moved and seconded the Address, do I see any necessity for doing that which without necessity I always consider to be unwise and impolitic, namely, disturbing on the first day of the Session the unanimity with which we should present a loyal Address to Her Majesty.

Earl GREY: My Lords, I rejoice very much to find that the noble Earl who has just sat down has no intention of moving an Amendment to the Address which has been so ably proposed and seconded by my noble Friends behind me. But I still more rejoice to find that, in the speech just made by the noble Earl, there is so much in which I can express my entire and cordial concurrence. It has been very often my lot in Parliamentary warfare to be arranged on opposite sides to the noble Earl; but I must say, in the speech he has just delivered, I find very little indeed from which I am inclined to differ. There certainly are points on which I differ from the noble Earl; but, on the other hand, the greater part of his speech appears to me characterised by just and sound views on the particular questions adverted to; and I am able therefore to follow him more briefly and easily than I otherwise could have done. The noble Earl began his speech very good-humouredly, and indulged in some amusing witticisms upon the order in which the various subjects are treated in Her Majesty's Speech. Now I can supply the noble Earl with a key to the order in which they are treated. A few days ago, when the subject of the Speech was under discussion, my noble Friend who prepared the first draft of the Speech stated the principles by which he had been guided in point of order. He said the right principle was, in the first place, to mention the various topics with regard to the past, to which it was necessary to call the attention of Parliament; then to introduce any reference which might be necessary as to financial measures; and then to come to the various topics likely to be brought under the consideration of Parliament; and it was natural that the most important and that which would probably occupy the largest share of the attention of Parliament should be reserved for the concluding paragraph.

The noble Earl first adverted to two subjects which he said had been omitted from the Royal Speech, and, referring to the absence of any allusion in it to agricultural distress, he found considerable fault with my noble Friend behind me for the very sanguine anticipations he had expressed with regard to an improvement in the prospects of those engaged in agriculture, and which he considered not warranted by the existing state of things. I am sorry to incur the noble Earl's reprehension; but I say, in my judgment, my noble Friend's expression of hope for the future was not in the slightest degree exaggerated or unwarranted by the present circumstances of the country. What is the condition of the farmer? Why, the British farmer in the greater part of the country has had the advantage of a very excellent crop. Providence has blest him with an ample return for his labour; and while the amount of produce he has had to sell has been large, except in the article of wheat, it is notorious that the prices have been highly remunerative:—that oats, barley, and cattle, have all brought prices with which good farmers had no right to be discontented. And we have now seen a remarkable circumstance, which a few years ago no noble Lord in this House would have been prepared for—we have actually seen the export of wheat of British growth to supply the exigencies of other countries, showing that in this country, under the stimulus of competition, and the advantages which with that stimulus the British farmer has had conferred upon him, by various measures of late years, we have been able so to reduce the cost of production that we can compete with foreign countries as to the cost of our wheat. The noble Earl reserved his opinion as to whether it might not, at some future period, be necessary to impose a revenue duty on grain; for this reason, that if we persevered in the present system, the effect would be that we might be left to a greater and greater extent dependent upon foreign nations for the supply of the most necessary article of our consumption. Now, I see around me many of your Lordships who have a practical and personal knowledge of the state of agriculture in this country; and I will ask you whether, from one end of the country to the other, the progress of improvement, the increase of cultivation, has not been beyond anything that any one of you could have imagined? I spoke yesterday to an old friend of mine, who comes from the great agricultural county of Lincolnshire, and he told me that he never saw draining, that foundation of all improvement, go on with so much activity and to such an extent as now. I have heard the same from Devonshire. I can say the same for Northumberland, and I hear of the same progress in every part of the country. The other day I heard a complaint from some persons who live in the neighbourhood of the Downs, in the south of England, who were afraid that in a few years the delightful rides over the Downs would be destroyed, the plough was encroaching so fast upon the land. I have not seen this myself; but I heard the complaint made, not with reference to the state of agriculture, but speaking of quite other matters. For myself, I believe improvements in agriculture never made more rapid progress than at this moment. And I believe, further, that the farmers are beginning to recover from the depression of spirits which has weighed upon them for a considerable time. They are beginning to entertain a hope that they shall get through the difficulties. I am far from denying that there are difficulties to be contended with. Perhaps none of your Lordships have experienced these difficulties more than myself, or have felt more the pressure of the times. But, in spite of that pressure, and of those difficulties, I never for a moment entertained a doubt that a better time was coming; and that in good time British agriculture, like every other branch of British industry, when fairly put upon its mettle, would stand competition with any foreign nation. While upon this subject I cannot help saying that I have heard with deep regret what the noble Earl said with respect to the imposition of a revenue duty upon grain. This is a question upon which I think it is of the deepest importance to the agriculturist and to the country at large that we should know where we stand; that a permanent and final determination of Parliament as to the policy that should be adopted upon this question should be come to at once and for ever. If we are to have duties upon corn, let those who advocate them come forward and state their case, and let it be fairly argued. Let me remind them, that when we, who were against the old system of the corn laws, proposed the change which has since taken place, we did not wait till we had a majority; we did not say, "Oh, we have no chance in the present House of Commons—we will wait till we get a House of Commons which is more favourably inclined." No. We knew that if this question was to be settled, it could only be by argument and discussion. We stated our views fairly and plainly in the other House of Parliament, and year after year, with apparently hopeless minorities—the first in which I myself, and my noble Friend behind me (the Earl of Carlisle) voted, was a minority of only 12 to some 500 or 600—we continued to state our views, and from that day to the final triumph of those principles we never hesitated or shrunk from discussion, from stating plainly our views, and putting them before the House and the country. Now, I say those who believe the present policy is wrong, who think it ought to be altered, are bound, in fairness to the country, and to those who differ from them, to state clearly and distinctly their views, to bring them before Parliament and before the country, and let them then stand or fall by the result of that discussion. But let me add this one observation: When you talk about a duty on grain, for revenue, let me advise you to settle this question with some of your own supporters; because, well do I remember when I and those with whom I acted were arguing for a change of the corn law, and urging the substitution of a moderate fixed duty for the sliding scale, that a noble Earl, who now sits at the end of the bench opposite (the Earl of Winchilsea) denounced in a most emphatic manner the iniquity of raising a duty for revenue upon the food of the people. He said protection was all right, he would vote for protection; but when the question between a fixed duty and a sliding scale was introduced, he said a duty for revenue upon the food of the people was a measure so iniquitous, and so contrary to all principle, that it ought never to be assented to by Parliament. I am sure the noble Earl will remember the speeches he has made to this effect; and I hope, when you talk of that principle of a duty for revenue on corn, you will settle the question with your own supporters, and that you will tell us fairly whether revenue or protection is your object. If revenue is your object, and not protection, you are bound to lay your duty upon all wheat, not merely upon wheat that is imported. but on wheat that is grown at home. You do so with respect to sugar, and with respect to every other article upon which the duties are revenue duties, and it is mere shuffling, and a disguise of your true object, to tell us you want duties for revenue, and at the same time to impose a duty, not upon wheat whether home-grown or imported, but merely upon imported wheat.

The next subject omitted from the Speech to which the noble Earl adverted, was the celebrated measure of last year with respect to Papal aggression. The noble Earl asked me whether I was prepared to say that that measure had answered, and had given security to our Protestant institutions? He appears to think that the Bill was intended to do that which I, for one, never expected. I never looked at an Act of Parliament to give security to our Protestant faith, whatever the noble Earl might do. What do the institutions of the country rest upon? Upon the convictions of the vast body of the people of this country in the truth of that religion which they profess. Those convictions can neither be taken away nor strengthened by Act of Parliament. The security of our Protestant institutions rests upon the general conviction of the people, that that religion which they are intended to teach the people, is true and consistent with the Holy Scriptures. I, for one, entertain such a perfect confidence in the triumph of truth, I am so satisfied that discussion can only tend in the end to give additional stability and strength to that which is founded in truth, that I never looked for a moment to Acts of Parliament as any protection against what is called Papal aggression. If the real power of the Papacy is a power over the minds of the people; that power you cannot take away nor confer by Act of Parliament. It rests upon something far beyond your reach, and is not to be dealt with by weapons of that description. But the object of the Act of Parliament last year was, in my opinion, very different. I thought that a most wanton insult had been given to the people of this country in feelings which are deeply cherished by the great majority of them, and I did think it was fit and proper that Parliament should, by a solemn and legislative Act, utterly repudiate and protest against the act so committed, and which has so shocked the feelings of the people. But to suppose that this Act could make the smallest difference to the real power of the Pope, or the real power of the priesthood, would, in my opinion, be utterly to mistake what the power rests upon. I believe that even over those who profess the Roman Catholic religion, that power, instead of being really increased by the aggressive spirit which has lately been shown by the Court of Rome, and by a certain portion of the priesthood, I believe that power, instead of being increased and augmented, has, on the contrary, been sapped and mined in its foundations by the injudicious measures which have been taken, for, I rejoice to say, that those most useful institutions the Queen's Colleges are prospering, and likely to prosper. Those institutions, and that system of education which the noble Earl (the Earl of Derby) was, greatly to his credit, one of the principal instruments in establishing in Ireland—that system of general education is opening the minds of the people; and I believe they will not, whether they are Roman Catholic or Protestant, tamely bend their necks under the yoke of priestly tyranny. Against that tyranny, whatever be the denomination of the priests by whom it is attempted to be exercised, I shall always raise my voice. I believe there is a natural disposition, if it is not checked by the determined countenance of the laity, in the priesthood of almost every denomination unduly to trench upon the mental freedom of those whom it is their business to teach. Against that tyranny it is the duty of every man of independent mind to array himself as far as possible; and I certainly think that in Ireland, and in this country generally, the measure adverted to on the part of the Pope has not done any real injury to us. But the noble Earl says, "Is the Act to be a dead letter?" I say it has not been so; I say that at this moment the dignitaries of the Roman Catholic Church have practically submitted to the Act, by taking the greatest possible pains to avoid committing themselves to that open violation of which it would have brought them into contact with the law. The utmost care and pains have been taken, as far as I am informed, by the dignitaries of that Church to avoid that assumption of the prohibited dignities which would have brought them within the purview of the law. It is surely no unimportant object to have been gained by the law that it has taught the Catholic priesthood and the population of this country, both Roman Catholic and Protestant, that if a case for interference really exist, Parliament is not to be deterred from interfering, and is prepared to take such measures as may be necessary to prevent any aggression upon our religion from any quarter. That is my view with regard to the Act of last Session, and such the grounds on which I deny that it is a dead letter.

The noble Earl then proceeded to notice the various topics in the Royal Speech, and in doing so began by making a remark upon a change which has recently taken place in one of the principal departments of the Government, by the retirement of my noble Friend (Lord Palmerston) from the Foreign Office. Upon that subject, considering all things, I feel that it would be the height of indiscretion and impropriety on my part if I were to make any other remark than this, that I cordially concur with the noble Earl in the tribute which he has paid to the talent, the ability, and the character of my noble Friend the late Secretary of State for the Foreign Department; and I will also add the expression of my sincere and deep regret, that circumstances have occurred which deprive his colleagues of his assistance, and of the advantage of that noble Lord's co-operation with them in the councils of their Sovereign.

The noble Earl then proceeded to remark upon the state of France. I have the pleasure of being able to express my unqualified concurrence in, I believe, every word which he uttered. I entirely agree with him as to its being the duty of this country, as a country and a nation, and the duty of each individual in his individual capacity, to abstain from any interference in the internal politics of that great and powerful nation which lies so near to us. I, like the noble Lord, observe with the deepest concern, and, I may say, with the indignation which the noble Earl has expressed, the tone which has been taken by a large portion of the newspaper press of this country. I think that the denunciation of the Person at the head of the Government of France, coupled with those more than exaggerated—I will say, untrue—representations of the defenceless condition of this country, do not only savour of imprudence, but of something worse than imprudence; and I rejoice that the noble Earl, in the position which he occupies, has come forward to assert, in the emphatic manner in which it has been done, his utter repudiation of language such as I have described. And I do trust that when, with the full assurance that I have the concurrence of my colleagues, I join in that repudiation, and when I am convinced every one of your Lordships will echo the same sentiment, I do believe and hope that the mischief, the incalculable evil, which might otherwise have resulted from language thus held by a great part of the newspaper press of this country, will to a great extent be neutralised, and that it will be understood in foreign countries that, however those newspapers may express the opinions and the feelings of those who write in them, they do not express the opinions or the feelings of any great and powerful party in this country, or in the Houses of Parliament.

The noble Earl then proceeded to advert to the question of the defences of this country. Here also, my Lords, I think the noble Earl expressed views which are perfectly just, and with which your Lordships cannot but concur. Like him, I entertain the fullest confidence in the assurance of friendly feeling which the Government of this country has not failed to continue to receive from all the great Powers of the world. I believe there exists nowhere any serious intention of attacking this country, or of disturbing the peace of the world. But, at the same time, I concur with the noble Earl in thinking that, however pacific may be the intentions of our neighbours, it is not fitting that the security of this country should rest only upon the permanence of those amicable intentions. This nation occupies too high a position in the world to trust its security upon such a foundation. I think we are bound always to feel that we have the means of protecting ourselves from any aggression which may be attempted, however unlikely it may be that such an aggression is contemplated. I think also, in common I believe with the great majority of those who have considered this subject, that for many years it has been necessary that something should be done to place this country in a state of greater security from aggression. This is a subject to which the attention not only of the present but of preceding Administrations has been for a considerable time directed; and it would be a great mistake to suppose that nothing has already been done. It would, for obvious reasons, be highly inconvenient and improper for me to enter into detail; but to those acquainted with the subject it is perfectly well known that much has been done of late years to increase the means of this country for its own protection, and that we stand now in a far better position, with reference to our defences in case of need, than we did upon the last occasion when there arose serious misapprehensions that tranquillity might be disturbed: I refer to the time of the discussion on the case of Pritchard, which created so serious an anxiety in the Government of this country. Since that period, although nothing has occurred to create any fresh jealousy, a great deal has substantially been done to improve our means of defence. I do not mean to say that we ought to stop with what has been done. I do see, as the noble Earl stated, in the present state of the world, sufficient reasons for going further. I cannot forget that every other country in the world does more than we do with a view to prepare against any sudden aggression. Even the United States—though by their position they are almost exempt from the possibility of invasion—though they have a standing army which, if small, is yet highly efficient, and a navy of the same description — in addition to that, the United States have completely organised a militia, which, if I am not misinformed, amounts in number to much nearer 2,000,000 than 1,000,000 of men. Now, if even the United States thinks it necessary that some precautions of this kind should be taken, it can hardly be considered unreasonable that in this country—so much more exposed as we are by situation, in case any misunderstanding with Foreign Powers should happen—we should be better furnished with means of defence. The present state of the world, the great increase which has taken place in the armament of all Foreign Powers, and the improvements in implements and the arts of war in modern times, which render that increase, of course, so much more formidable—all these things show us that we should have our attention directed to this most important duty, and that we should not neglect measures of defence. I entirely concur with the noble Earl as to the principle upon which any measures which we may take ought to be founded, namely, that they ought to be, as is stated in the Speech from the Throne, consistent with a steady adherence to the pacific policy which we have always endeavoured to maintain.

The noble Earl then adverted to that to me most distressing subject—the war now raging on the eastern frontier of the Cape of Good Hope. I have already laid upon the table of the House papers which contain the fullest information, and up to the latest date—up to despatches received only on Saturday last. As these papers will be in your Lordships' hands in less than twenty-four hours, I think it highly desirable that I should abstain from any discussion whatever upon them. There is only one point to which I will call the noble Earl's attention. He stated that the difficulties of the British Government at the Cape had been greatly increased by the extension of territory, more especially over what is called the Orange River Sovereignty. Allow me to inform the noble Earl that no one has more regretted that extension of territory than myself. He knows, from papers already before the House, that it was adopted without the possibility of previously obtaining the consent of the Government; and that it was not without great difficulty, and a balancing of the evils on both sides—on the one hand of disavowing a measure which had been actually adopted, and on the other of maintaining the authority of the British Crown at so great a distance from the seat of power—it was not until after a careful balancing of these opposite difficulties that Her Majesty's Government decided upon confirming that act of the Governor of the Cape. Let me add—and this is the only observation I wish to make upon the subject—that in one of those despatches which I trust your Lordships will be in possession of to-morrow, Sir Harry Smith, alluding to this subject, states his own opinion to be the same as mine—that it has been a great misfortune to be compelled to extend our power over this district, but that he was compelled to do so by the measures previously taken under the administration of the noble Earl himself by the then Governor, Sir Peregrine Maitland, who had virtually established an authority in that district which could not be entirely abandoned. Your Lordships may deny or admit the accuracy of this statement; but I only beg to call the noble Earl's attention to the fact that Sir Harry Smith's defence for his conduct, is—and it is recorded in the despatch received on Saturday last—that the measures adopted by Sir P. Maitland in the years 1844 and 1845, when the noble Earl (the Earl of Derby) was Secretary of State, had left him no alternative but to take the course which he did take, or to incur still more serious evil. It may be a question whether he is right in his opinion, but that is the opinion which he has expressed.

The noble Earl next adverted to the state of Ireland, and said that the peace and order which Her Majesty's Speech represented as prevailing in the greater part of that country, were owing to the fact that emigration and famine had thinned the population in the greater part of the country, so that it was not wonderful that no disturbances should have taken place; and the noble Earl said this exodus was hardly a convincing proof of that prosperity which was said to exist in that country. With respect to that extensive emigration, allow me to remind your Lordships of this circumstance—that during the five years that I have had the honour of holding my present office, one of the greatest difficulties with which I have had to contend in your Lordships' House, has been resisting the very strong pressure which was made upon Her Majesty's Government by a very large proportion of the noble Peers connected with Ireland, when they urged the Government that they should adopt far larger measures than they thought proper to do for the promotion of emigration from Ireland. I always held the opinion that interference on the part of the Government was unnecessary, and would be unsafe; that there was a process in operation which would lead to emigration being carried on to the fullest extent to which it was required; that if a vote of money by Parliament had been agreed to, you would have arrested voluntary efforts, and have entailed without necessity a very heavy expense upon the public, and at the same time have run the risk of not carrying on this emigration to the same extent that might otherwise take place by voluntary means. Now, these anticipations of mine have been entirely verified by the result; and it is a most curious circumstance, to which I beg to call your Lordships' attention, that the enormous emigration now going on from Ireland—that this most unparalleled movement of the human race from one country to another—is carried on absolutely without expense to this country, almost exclusively by the earnings of previous emigrants remitted for the purpose of enabling their friends who were left behind to join them in another hemisphere. I cannot help thinking this a circumstance most honourable to the national character of the Irish. It shows in the humbler classes a regard for their friends and relations, which I believe has not been equalled by any other nation in the world. When the Irish go to America, the first object almost to which they devote themselves is to save money out of their higher wages, to enable them to remit money to their own country to bring their friends and relations after them. I believe that this emigration, though it has been extensive, has not been more so than was desirable or advantageous to the country. I believe Ireland will be greatly improved by it. I am convinced that nothing but emigration of this description would have had the effect of breaking down the inveterate system which existed in that country of competition for land, and the bad system for the employment of labour which had been for centuries the reproach of that country. But, with the facilities of intercourse with America now in existence, it is impossible that the great disparity of wages which has hitherto existed between those two countries, should much longer exist. I am, indeed, informed that within a very short time this curious circumstance has taken place—that the tide of emigration is, to a certain extent, turning—that some of the persons who have emigrated from Ireland to America are returning, saying that they find by experience that if they work as hard in Ireland as they are by force of circumstances compelled to do in America, they can be as well off in Ireland as in the land to which they had removed. This is to a certain extent a new discovery. I hope it may be verified by further experience. I firmly believe it to be true. I believe that with the same amount of exertion, equally well directed in Ireland, that is required from emigrants in America, those who are about to leave Ireland might, under present circumstances, live as well in the one country as the other. But I believe that by leaving these things to themselves, by letting the pressure of individual emigrants, guided by their own interests, equalise the population in different parts of the world instead of by State interference, we shall see that regeneration of Ireland which has been the ardent wish of every one of us for so many years. Upon another point to which he has adverted, I entirely agree with the noble Earl, that the improvement of Ireland is not to be expected unless that atrocious system of outrage which is at present confined to some districts, can be effectually suppressed; and he may rest assured that nothing which depends upon Government will be left undone to put down a system of outrage which is totally inconsistent with the security of life and property. Her Majesty's Government feel that it is the very foundation of all improvement, and of the welfare of every country, that perfect tranquillity and security should be maintained; and if the existing laws fail in accomplishing that object, then it will be the duty of Government to apply to Parliament, and of Parliament to decide upon measures, however rigorous they may be, necessary to prevent the continuance of such a system as that which I have mentioned.

I have endeavoured to follow strictly the order of the noble Earl in his speech, and in doing so the next point I have to mention is that with respect to the constitution of New Zealand. Upon that subject I beg slightly to correct the noble Earl in a portion of his observations. He said that in the year 1846 it was my opinion that the time was come in which the inhabitants of New Zealand might be trusted with the powers of a representative government; but that I soon found this to be a mistake, and was compelled to ask Parliament to retrace its steps. Now, so far as the settlers are concerned, I have no doubt that my original opinion was correct. But certainly it had been overlooked by me and by my colleagues, and I may say by Parliament, that in New Zealand there were difficulties arising from the then not terminated war which had been going on with the native inhabitants, and from the large proportion which the native inhabitants bore to those of European descent. Undoubtedly when the Act passed by Parliament for establishing representative institutions in New Zealand reached that colony, and the very able Governor wrote back a despatch, pointing out what the effect upon the native inhabitants would be, I thought it my duty, without being ashamed to confess that I had made a mistake in overlooking this consideration previously, which in the then state of our information was not unnatural, to ask Parliament to reconsider the course which had been taken. The information which was laid upon the table of both Houses of Parliament, was of such a character that I believe, without a division in either House, Parliament agreed that, for a time, the enjoyment of representative institutions by that colony ought to be deferred. But under the administration of the very able Officer whom the noble Earl opposite, much to the credit of his discernment, selected for the government of New Zealand, and in so doing did a service of inestimable value to the country—because when I contrast the present state of New Zealand with what it was six years ago, I think too much cannot be said for the able and firm administration of that Officer—now, I say, that when that Officer reports in the papers which are on the table of the House, that the objections which he formerly pointed out no longer stood in the way, the time is certainly come when Parliament should fulfil its original intention. The noble Earl said, however, that even now it was not proposed to carry into effect the constitution as it was originally devised. But is it unreasonable to suppose that if the constitution had been in operation, modifications would not have been introduced in it? Your Lordships know that it is the opinion of the Governor of the colony that the main features and principles of the Bill may be put in force now; and I believe that if the Bill had been brought in before, it would have undergone considerable modifications by this time.

The noble Earl next adverted to a passage in the Speech from the Throne which related to the public revenue. I did not understand the noble Earl to say that he found great fault with that passage. All he said was, that a large part of the revenue of the country depended at present on the income tax, which was only renewed in the last Session for a single year. That, no doubt, is the case, and the subject must be considered by Parliament, who must either renew the tax, or find some substitute for it. At the same time I think it right to remind your Lordships, that though that tax was passed for a single year, the measures taken for the last five years have not been very unsuccessful in their results.

Let me remind your Lordships that in the last five years there have been repealed taxes to no less an amount than 4,500,000*l.*, and that notwithstanding that great reduction of taxation the revenue for the year just expired is equal to the revenue for the year 1847. I cannot help saying that this is a satisfactory state of things. But let us go back a little further. The great change in our system of taxation may, I think, be dated from the year 1831. In that year a very large reduction of taxation was effected. Since that period the system of reducing taxation, and of altering as much as possible the incidence of taxation so as to relieve industry, has been going on uninterruptedly. A very curious paper was laid before Parliament last Session, which was moved for by the hon. Member for Liverpool (Mr. Cardwell), showing what remissions of taxation have taken place during each year, if I remember right, since 1822; but, not to go quite so far back, and only looking at the period from 1831 up to 1850, I find that there were remitted in that period no less than 12,490,000*l.* of taxes. There have also been imposed within the same time 8,820,000*l.* new taxes; so that on the balance there has been positively remitted from taxation within that period no less a sum than very nearly 10,500,000*l.*; and if you add the sum of 1,920,000*l.* remitted last year, the total balance in favour of the reduction of taxes since the beginning of 1831 amounts to no less than 12,490,000*l.* And yet, notwithstanding that enormous reduction of taxation, your Lordships will find, on referring to the Parliamentary Paper to which I have adverted, that the ordinary revenue of the country, instead of falling off, has increased from 46,000,000*l.*, which was the figure which it reached in 1831, to the sum of 52,000,000*l.* My Lords, no increase of population can account for anything like this amount. A remission of taxation to the immense amount of 10,500,000*l.*—about a quarter of our national income—coincident with an increase of actual revenue received into the Exchequer, is in my opinion the best and clearest demonstration of the soundness of that system of policy, which to a greater and greater extent has year after year been adopted by Parliament, with a view to the emancipation of trade and industry from the shackles imposed upon them. I suppose that in the history of the world there never was a more remarkable spectacle of the effect produced on a great country in the improvement of its resources and condition by the simple process of emancipating industry, and leaving the people free to exert themselves according to their own judgment. It is in my opinion so unanswerable a proof of the soundness of the policy which has been pursued, that I, for one, will never be persuaded that Parliament will give up one iota of that system, or will retrace, by one hair's-breadth, the course which its policy has taken.

The last topic to which the noble Earl adverted was the intimation contained in the Speech, that a proposal will be submitted to Parliament for amending the Act of 1832, relating to the representation of the people. Much of what was said on this subject by the noble Earl I heard with much pleasure; but I do protest against the justice of his remarks upon my noble Friend at the head of the Government. The noble Earl used what—but that it came from him—I should have called the vulgar taunt, that my noble Friend held out reform as a vain lure to Parliament to support his Government. The noble Earl put it on the ignoble ground that the proposal was made in order to prop up a falling Administration. Now, my Lords, let me point out the real circumstances of the case. Three years ago, if I remember rightly, various Motions were made in the other House of Parliament, and obtained in that House a considerable degree of support, not only from those who voted for those measures, but in the expression of an opinion by Gentlemen of great weight and great influence, that experience had shown that there were defects in the Reform Act which required further legislation. My noble Friend, feeling the force of those remarks, and of public opinion, and seeing defects in some arrangements in the Reform Bill, which had not answered the expectations of the country, thought it right to express his opinion that a time might come when it would be proper to make some alteration in the existing law relating to the franchise. My noble Friend expressed that opinion in the strongest manner, and particularly after the noble proofs that were given in 1848 by all classes of the population of loyal attachment to the Crown and to the existing institutions of the country. My noble Friend expressed that opinion so far back as 1849; and since that period he has had to combat various proposals made in the other House of Parliament for alterations in the Reform Act. It was my noble Friend's opinion that if he had combated these propositions for inconsiderate and hasty alterations in the Reform Act, and if in doing so he had said that that Act should never be altered, and that he would take his stand upon it precisely as it was, he might, by closing the door to all hope for future improvement, have done something which would have shaken the foundations of that great settlement of our constitutional rights. My noble Friend, therefore, said—and I think he was right—that he was not averse to well-considered amendments. But it was impossible that he could take this line in combating those propositions which he considered dangerous, without thereby contracting a pledge which he considered it his duty to fulfil at a proper time. And, I ask, can there be a better time for redeeming them than the present? Is not the very apathy of which the noble Earl speaks a sufficient reason for calmly approaching the subject, and considering what amendments can be introduced? Would that apathy have existed if we had pronounced the Reform Bill to be a final measure, and if we had said that there were no blots in it which we would attempt to get rid of? If we had taken that line, would there not have been a very different disposition on the part of the people of this country with regard to changes in the Reform Act far less temperate than those now about to be proposed? I firmly believe there would; and I say this because I think it is a justification of the line which my noble Friend has taken, and in which his colleagues joined. But as in less than a week the nature of the measure which we are about to propose will be made known to the other House of Parliament and the country, it would be premature for me to say anything further now on the subject. All I will say now is, that I concur with the noble Earl in thinking that the measure ought not to be a disturbance of the general settlement made by the Act of 1832. If such a disturbance had been contemplated, I, for one, would not have been a party to the measure; and I believe I may say the same for the other Members of the Cabinet who are my colleagues. We believe that the measure of 1832 has been eminently successful, and that it has been the means of benefiting the people of this country in the greatest possible degree. To use the expression of the noble Earl, it has been, in the true and not in the party sense of the word, a conservative measure, because by that measure the people of this country have undoubtedly been placed in a situation to feel that the public opinion—the deliberate and well-considered public opinion, the opinion of the intelligent and educated classes—is all-powerful in this country; and it affords, more slowly perhaps than some may desire, but I believe more safely and more certainly, because slowly, the means by which the deliberate judgment of the people is enabled to effect those improvements in the laws and in our system of administration which seem to them to be required. We have seen this in the gradual and certain progress of improvement in the last twenty years. We are apt to forget, my Lords, and therefore I must remind you of it, how much has been accomplished in the last twenty years; but if we look back to the state of the Statute-book at that time—if we look back to the state of the country at a still earlier period, we shall be sensible how much has been effected for the welfare of the country during that period. I agree with the noble Earl that in no country in the world do men enjoy the same amount of real liberty, including in that term liberty of opinion, liberty of speech, and liberty of conduct, that we do in this. I believe we enjoy far more of true liberty than is enjoyed even in the United States. I see nothing in their institutions for us to envy; on the contrary, I believe that our institutions contribute far more to the real happiness and prosperity of the country than theirs. Not only that we enjoy more liberty, but I will venture to say, also, that in the institutions of this country as they now stand, there is a far less amount of that corruption which, in all human forms of government, must, I believe, more or less exist, than in those of the United States. I am confirmed in this opinion by having, only yesterday, seen the annual message of the Governor of the State of New York, in which he describes the extent to which corruption is carried on in the State elections of New York. It is not for me to say whether that description is a just one or not; but I have no hesitation in saying that it would be altogether unjust if applied to the state of matters in this country. These things being so, I entirely concur with the noble Earl when he says it is just and sound policy to introduce necessary improvements into our institutions, while it is the interest of every man in this country, from the highest to the lowest, to maintain those institutions on their existing foundations. I have no doubt such will be the unanimous opinion, not only of Parliament, but of the country. And I must say that I heard with great satisfaction the opinion which the noble Earl expressed, because it gives me the hope that Her Majesty's Government will have the support of the noble Earl and those noble Lords whose sentiments he is understood to express in favour of the measure which they deem it their duty to introduce.

The DUKE of RICHMOND hoped, if the question as to the Cape Colony were to be discussed, as the noble Earl had stated that Sir H. Smith had extended the boundaries of Caffraria in consequence of the arrangements of his predecessors, every opportunity would be given to take away from the shoulders of Sir P. Maitland any responsibility which, in justice, he ought not to bear. He thought it would have been more judicious if the noble Earl opposite (Earl Grey) had not picked out a single Government for animadversion. The noble Earl had alluded with great satisfaction to what he termed the return of prosperity to the agricultural interest, and, forsooth, he found out some gentleman who lived at some watering-place, and who was afraid the time would come when he would be deprived of a ride over the Downs because a portion of the poorer tenant-farmers were ploughing up the Downs. Now, instead of that being a proof of prosperity, it proved diametrically the opposite. They were obliged to cultivate additional land to enable them to pay their rent. The tenant-farmers of England and Scotland were suffering greater privations than any class of people in the country ever did before. He hoped the declaration of his noble Friend (the Earl of Derby) would be read by all the suffering tenantry in the country who thought it was the duty of the Legislature to protect domestic industry when it was so heavily taxed. English farmers could compete with the world if they were but in a position equal to that of foreigners; but if their labourers could not live on the miserable pittance awarded to serfs in Poland, and labourers in France, the competition was altogether an unequal one, and they must be protected. He was surprised to find—and he would not entertain a doubt on the matter for a moment—that his noble Friend, who left office because he would not say that domestic industry should be entirely ruined, entertained now the same opinions that he did formerly. That was indeed encouraging to the farmers of England, who had for three or four years been paying rent and taxes out of capital. Many of the small tenantry had been destroyed in this country, and they ought not to be surprised that they were flying to the United States to seek a living a country where domestic industry was protected.

LORD BROUGHAM would not enter upon the question which had just been introduced by the noble Duke; nor would he have addressed their Lordships at all were he not desirous that one statement of his noble Friend (the Earl of Derby) should not go to France without an objection being made to it. This related to a point of historical accuracy, and he was the more anxious to advert to it, because he well knew the effect that would be produced elsewhere. He did not speak of the present existing Government, but of the parties to the proceedings of 1848, the most mischievous and most fatal that had occurred in France since 1792. He did not wish that the parties to those procedings or their supporters should have the consolation of knowing that in this country we regarded all the Governments which had successively been established in France for the last sixty years as a series of usurpations. He knew the effect which would be produced in France if it was supposed by those who effected the revolution of 1848 that they were regarded in this country as having been no more guilty of usurpation than the restored Government of Louis XVIII. and the Government of Louis Philippe. He could no more consent to call the restored Government of 1815 a usurpation than he could consent to call the restoration of Charles II. in this country a usurpation. He could no more consent to call the Government of July, 1830—that of Louis Philippe—a usurpation, than he could consent to call the Government of William III. in this country a usurpation. They stood precisely on the same ground. He thought it right to add how entirely he agreed with his noble Friends in their reprobation of the attacks that had been made by the press on the existing Government of France. He would not say it was necessary to lay down in the unqualified manner done by his noble Friend opposite that all those attacks were groundless in their substance.

EARL GREY did not say so. He had expressed no opinion whatever as to the acts of the French Government; he said that he objected to any expression of opinion at all on the proceedings of a Foreign Government which was calculated to irritate that Government.

LORD BROUGHAM entirely agreed with his noble Friend to the extent of that observation. But he could assure him that he was not the only person who had understood his noble Friend otherwise. Those sitting near him (Lord Brougham) had conceived that the disapprobation expressed was much more unqualified. He would also say that even if he were giving an opinion, which he was not, even if he agreed in every respect with the opinion so strongly expressed against the late proceedings in France, still the manner of expressing that opinion, and the personal abuse with which it had been accompanied, could not have his concurrence. As to the unhappy condition of the sister kingdom, he was sure that if for the protection of life and property it was needful to extend the powers of the Executive Government, Parliament would be found ready to perform its duty to their fellow-subjects. Ireland must be made—if that was possible—a country that men could inhabit without the constant risk of life. So long as a man could not send out his agent or his bailiff to exercise his undoubted rights of property with regard to his tenantry, without being shot at like a wild animal from behind a hedge, the same feelings would be inspired that followed from the machinations of secret societies in a neighbouring country. He spoke from continued and near observation of that country, when he said that those feelings of alarm had been the cause of all the submissions of which some men now complained, and at which others were astonished. All that had happened had followed, because, rather than submit to such an intolerable state of things as had partly existed, partly been apprehended, men would submit to any sacrifice of civil rights. Secret societies could not be named as regarded France, without reminding them of the same pest in Ireland.

Two remedies had been applied at different times; but he believed one would be effectual. He meant the revival, in proclaimed districts, of the courts-martial clauses of the Act of 1833, and the regulation which prohibited persons being out between certain hours of the evening and certain hours of the morning. God forbid that they should be driven to that necessity: but anything was better than the present intolerable state of things in Ireland.

The Earl of DERBY explained that what he said, or what he ought to have said, was this, that with one exceptation, namely, the Restoration of 1814–15, every change of Government which had taken place in France for the last fifty or sixty years had been more or less a usurpation; but he applied that term to any authority which was substituted for that which came in by descent, in accordance with the established law of succession in the country; and he said, that he could not admit any distinction between the merits of one Government and another. Changes of Government had no foundation except in the will of the country pronounced in their favour; and in the expression of that will this country had always concurred. He used the remark in this way—it had been argued that we ought not to deal with the Prince President, because he was a usurper. But this country recognised the First Consul, as well as Louis Philippe in 1830, and the Republic in 1848, though one and all of these forms of government were interruptions of the legitimate line of succession, and violations of existing law, resting on no foundation but the will of the country expressed at the time. He did not mean to use the word "usurpation" in an offensive sense.

The Earl of WINCHILSEA complained that the Government had not attempted to carry out the Papal Aggression Act of last Session. He considered it a disgrace for the Legislature of a great country like this to pass an Act ofthe character of that passed last year, if it was not the intention of the Government to carry it into execution; and he believed the allowing it to be evaded had led to the establishment of Ribbon societies in that part of Ireland which had been before free from their influence. He stated last year that the encouragement given to the Church of Rome had conduced to those calamities which prevailed in the south and west of Ireland, and the self-banishment of the population through the terror in which they lived. He stated, at that time, that the next step would be to endeavour to drive from the northern part of Ireland the few remaining resident landlords. He feared his expectations were being realised; and unless something in the nature of a military law was passed, it would be perfectly hopeless to anticipate that the northern would be more secure than the southern and western parts of that unfortunate country. The noble Earl opposite (Earl Grey) had reminded him of an observation he (Earl Winchilsea) had made—that he would never advocate the imposition of a duty on foreign corn for the purpose of revenue. If it were solely for that purpose, he would never give it his support; but he was quite prepared to give his support to protection, and in the light of protection to the home-grower he should be prepared to advocate decidedly the imposition of a duty on foreign corn, The noble Earl suggested that our own corn should be taxed. That was the very ground upon which he (Earl Winchilsea) advocated the taxation of foreign corn. Our corn was already taxed, for the support of the poor, for the maintenance of public peace, for the erection of lunatic asylums and other public buildings, without reference to the amount of production, and we allowed the foreigner to come into the country untaxed and sell untaxed corn. All they (the Opposition) asked was protection—that no foreigner should be allowed to bring corn into the home market to compete with that of the English farmer, except he paid a certain amount of taxation, equivalent to that which the producer in this country was called upon to pay.

The Earl of YARBOROUGH hoped there would be no misunderstanding on this question of protection. It was much too serious a matter for the farmers to be left in any uncertainty, for if anything operated to depress the farmers, it was the being left in a state of uncertainty as to their position. If the noble Earl (the Earl of Derby) meant to advocate a duty on foreign corn for the sake of revenue, he (the Earl of Yarborough) considered the noble Earl said one thing; but if he advocated it for the sake of protection, he considered the noble Earl said another. For instance, a duty of 2*s*. or 3*s*. a quarter might be imposed as revenue, which he was sure would be repudiated as giving any protection whatever to the farmer. He heard the farmers constantly arguing that such a small duty as that would not sufficiently raise prices to enable them to compete with the foreigner. Yet a duty of 2*s*. or 3*s*. a quarter would raise a considerable revenue. It appeared, then, to him that the statements by the noble Earl and the noble Duke might be widely different; the farmers might imagine they were going to have a considerable duty, as much as would amount to protection; and perhaps the noble Earl only intended such duty as would raise a considerable revenue, and enable the Government to remit other taxes. He (the Earl of Yarborough) hoped the noble Earl or the noble Duke would state whether they would like to see such an amount of duty imposed for the sake of revenue as would also act as protection, or whether for revenue only. He was happy to say he could confirm his noble Friend who spoke after the noble Earl, as to the great extent to which agricultural improvements were being carried on; from personal observation he could state that he never saw such an amount of drainage being caried out as he had seen this winter; and he understood it was mainly to be attributed to the energy of the farmers themselves, who only asked their landlords to supply them with the draining tiles. Tenant-farmers had taken up, and were still taking up, the draining tiles which had been put in at a depth of 18 inches, and at their own cost were putting them in again at a depth of from three to four feet, their landlords supplying new tiles to replace the few which were broken. The leaving of the farmers in a state of uncertainty would, he repeated, be attended with the most injurious effects; and he hoped the noble Earl would say whether the amount of duty sought was for the sake of protection, or merely for the sake of revenue?

The EARL of DERBY said, he would answer the question of the noble Earl by putting another; which was, at what point did he consider a duty ceased to be protective, and became merely a duty for revenue? And also, what he considered a revenue, what a protective, duty? His (the Earl of Derby's) opinion was, that any duty imposed, whether for the purpose of revenue, or for the avowed purpose of protection, must incidentally act as a protective duty. The amount of protection afforded could be measured only by the amount of duty. The principle was the same; and if the noble Earl wished to know what he (the Earl of Derby) desired, it was to impose a duty on the import of foreign corn, not for the purpose of revenue alone, but for the purpose of revenue combined with the collateral object of affording protection to the home grower.

The EARL of HARROWBY could not allow the debate to close without protesting against a doctrine which had been laid down by the noble Earl at the head of the Colonial Office, relative to the discussion of foreign affairs. It was of the highest importance that both individuals, as well as the press, should always enjoy the privilege of discussing the acts of foreign Powers, so long as they did so temperately; and he certainly did think expressions had fallen from noble Earls on both sides of the House tending to deny that right, which ought not to go forth to the world without explanation. He felt called upon to say that the declaration made that night, that neither their Lordships nor their fellow-countrymen generally ought to express any opinion respecting the conduct of the French President, would find no sympathy with the people of England. It appeared to him that noble Lords on both sides of the House had gone too far in what they had said on this point. The course prescribed on the present occasion was different from that which had heretofore been pursued. Their Lordships had been accustomed to hear the conduct of the Emperor of Austria, the Emperor of Russia, and the French Republican Government of 1848, commented on very freely, and not the least freely by noble Lords on the opposite side of the House; and why should they not exercise the same privilege in reference to the doings of other foreign Governments? If their Lordships should now for the first time propound the doctrine that neither the press nor Members of the Legislature ought to discuss with freedom the acts of foreign Powers, they would set a very bad and a very unwise example. It was his firm belief that the press, although it might occasionally be too strongly tinctured with personal abuse, did, nevertheless, accurately and faithfully represent the public opinion of this country in regard to the recent proceedings in France. Strange, indeed, would it be to find the people of this country indifferent to what was passing in a neighbouring country. It was not now his intention to pass any opinion on the acts of the French President; but after what had passed that evening, he felt it necessary to rise and state, that if he saw occasion to do so, he, at least, would not hesitate to speak his sentiments plainly and boldly.

EARL GREY did not differ at all from his noble Friend who had just sat down. He was informed by a noble Friend, who repeated what he had said, that the language he had used did go a great deal further than he (Earl Grey) intended. He quite agreed that neither the press nor Parliament ought to be restricted in expressing fairly and temperately their opinions on the affairs of foreign countries, and he had never intended to deny that right. He was quite sensible his own words conveyed a sense he did not intend, when he used them. He did not object to such an expression of opinion; his objection was to the intemperate observations on acts of foreign Governments, of which they were imperfectly informed.

The **EARL of MALMESBURY** said, it was not only of the personal abuse which was poured on the chief officer of the Executive of a Government in amity with this country, sending an ambassador to this country, and receiving one from it, that he complained; but he blamed and regretted the extraordinary manner in which, side by side, in parallel columns with the abuse of a country notorious for vanity, was flaunted out the supposed weakness of England, as if inviting the people of that country to revenge the insults which other paragraphs contained. That was what he regretted, and that was what he understood the noble Earl to blame. Such an exercise of the freedom of the press was, to say the least of it, highly indiscreet; and he hoped that those who had the management of the newspapers would be more cautious in their future writings. No noble Lord wished to shackle the press, or prevent its discussing all questions in an abstract sense; but it was the personalities which he condemned, fearing their consequences might be serious to both countries.

Motion put and *agreed to, nemine dissentiente;* and a Committee was appointed to prepare the Address. The Committee withdrew; and after some time, Report was made of an Address drawn by them, which, being read, was *agreed to*, and ordered to be presented to Her Majesty by the Lords with White Staves.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, February 3, 1852.

MINUTES.] NEW WRITS (*during Recess*).—For York (East Riding), *v.* Henry Broadley, Esq., deceased; for Bradford, *v.* William Busfeild, Esq., deceased; for Lisburn, *v.* Sir Horace Beauchamp Seymour, deceased.

Now Ordered.—For East Retford, *v.* Hon. Arthur Duncombe, Chiltern Hundreds; for Perth, *v.* Right Hon. Fox Maule, President of the Board of Control; for Northampton Borough, *v.* Right Hon. Robert Vernon Smith, Secretary at War; for Kinsale, *v.* Benjamin Hawes, Esq., Chiltern Hundreds; for Greenwich, *v.* James Whitley Deans Dundas, Esq., Steward of Hempholme; for Kent (Eastern Division), John Pemberton Plumptre, Esq., Chiltern Hundreds.

NEW MEMBER SWORN.—Sir James Emerson Tennent, for Lisburn; Hon. Charles Stewart Hardinge, for Downpatrick; Hon. Arthur Duncombe, for York County (East Riding); Robert Milligan, Esq., for Bradford.

PUBLIC BILL.—1° Outlawries.

The House met at half-after One o'clock, in the New House of Commons.

Message to attend HER MAJESTY; the House went; and being returned,

MR. SPEAKER acquainted the House that he had issued warrants for *New Writs* for several places. (*See* MINUTES.)

GOVERNMENT MEASURES.

MR. HAYTER said, it might be convenient if he were to state to the House the order in which it was proposed to proceed with public business. On Monday, the 9th of February, the First Lord of the Treasury would ask leave to introduce a Bill to extend the Right of Voting for Members of Parliament, and to amend the Laws relating to the Representation of the People; and on Friday, the 13th, the noble Lord would ask leave to introduce a Bill to amend the Laws respecting the Local Militia. On the same day the President of the Board of Trade would ask leave to introduce a Bill to carry into effect certain provisions contained in the Copyright Treaty with France. On Monday, the 16th, the Solicitor General would ask leave to introduce a Bill respecting the Court of Chancery; and on the same day the Secretary of State for the Home Department would ask leave to bring in a Bill to disfranchise the Borough of St. Albans.

THE QUEEN'S SPEECH.

MR. SPEAKER said, he had to *report* to the House that the House had been that day to the House of Peers, where Her Majesty was pleased to make a most Gracious Speech to both Houses of Parliament, of which, for greater accuracy, he had procured a copy. The right hon. Gentleman then read the Speech to the House.

ADDRESS IN ANSWER TO THE SPEECH.

Sir R. W. **BULKELEY** rose and said: Sir, it now becomes my duty to offer to the House a few observations in moving an Address in answer to the gracious communication you have this day received from the Throne. The House, I am aware, is at all times most indulgent to those who are in the habit of taking an active part in their debates; how much more, then, must I require their indulgence, when, though a very old Member of this House, I have never for one moment intruded myself on its time and attention, and when the subjects upon which I have undertaken to address you, are of no ordinary importance, and the time one of no ordinary anxiety. The Member to whom is allotted the task of moving the Address is usually looked upon by the House as an uncompromising supporter of the Government in existence; and as thereby evincing not only his approbation of their measures past, but his perfect confidence in them as regards those which they are about to propose. I will acknowledge honestly that this is precisely my position. I have been in Parliament many years, and during that time I have seen many measures of vast importance introduced into this House for the benefit of the people. During that time I have seen all our most cherished institutions improved, strengthened, and extended, until we have arrived at a degree of greatness and prosperity which in my conscience I believe was never yet exceeded by any nation; the Throne better supported—the succession to the Throne placed beyond doubt—the Established Church, whose connection with the State many Members of this House think of the greatest consequence, second only in importance to the maintenance of the Throne itself, increased in its usefulness, its revenues more equitably distributed, its duties more regularly enforced, hundreds of churches erected, and thousands of pastors added to those who perform her ministrations. I have seen education more widely extended, and now reduced to something like a system. I have seen our commerce enlarged, and commercial monopoly extinguished; whilst we have been preserved from European wars, and domestic tranquillity has prevailed; and, above all, I have seen the social condition of the people improved, without which it would be worse than useless to attempt to improve their moral condition. These blessings and improvements I ascribe to the sound policy and enlightened views of liberal Administrations; and whether from the first introduction of the Reform Bill under Lord Grey, the Administration of Lord Melbourne, or the short Administration of Sir R. Peel, when the policy of the country was not materially changed, I, as a reformer, should think myself ungrateful if I did not claim for the noble Lord at the head of the Government the chief share in the merit of bringing about these happy changes. To his unflinching advocacy and strong constitutional and liberal sympathies, do I ascribe the success of those measures which at first extended the political rights and then improved the social condition of the great masses of the people of this country. These, then, are the reasons why for twenty years I have been an humble and not less anxious supporter of the noble Lord and of the Administrations of which he has been a Member; and these are the reasons why upon the present occasion I have taken upon myself a task from which I usually shrink, and which I would most willingly have seen performed by another.

I will now briefly call the attention of the House to the subjects alluded to in Her Majesty's Speech. It is usual, I believe, to mention them in the order in which they are delivered from the Throne; but I will so far trespass on the indulgence of the House as to reserve the passage relating to Ireland for later comment.

Sir, Her Majesty informs us that She continues to maintain the most friendly relations with Foreign Powers. I believe this will be most acceptable information to the country at large, in the present aspect of foreign affairs. It is evidently the interest of this country, and I am satisfied it is the wish of the people, to remain at peace; but amidst the revolutions with which we have been surrounded, between the struggles of the people on one side, striving after liberty and responsible government, and the oppressions, the treacheries, and the follies of their rulers on the other, I do congratulate the House and the country that we have not been entangled in foreign war. It is impossible, however, for the people of this country not to sympathise with other nations, appreciating as we do liberal institutions. We sympathise with those peoples who in foreign countries are endeavouring to obtain some shadow of freedom. We shall therefore sympathise with the oppressed—we shall offer them in this country an asylum—and let remonstrance come whence it may, I hope it will not be listened to. Nay, more, I hope that to those distinguished men, those able statesmen and generals, who, without crime, accusation, or trial, have been banished from their native shores, we shall offer not only a charitable asylum, but a hearty and generous hospitality. We may tender to those monarchs who owe their restoration to their thrones to the blood and treasure of this country, respectful remonstrance or friendly advice, but beyond that we must not go: no intervention, whether for the people or against the people. Whilst we are on this subject, I cannot help taking notice of an event which, though certainly not amongst the most important, is yet one of the most interesting of the present year—I allude to the visit to our shores of perhaps the most extraordinary man amongst the Continental exiles—Kossuth. He was, I acknowledge, but a nine days' wonder; but still, from the manner in which he was received in this country by vast members of the people, I cannot help noticing him. The misfortunes of Kossuth, the oppressions of his countrymen, and the intimate knowledge he has acquired of the English language, our manners, customs, and even our literature, and the honourable treatment he has received from our old friend and ally, the Sultan, created an interest in the breasts of the people of this country, in which, I confess, I shared. But if any mystery could be attached to his speeches in this country, that mystery is removed by a perusal of those he has made in America. He, it appears, visited this country and America for no other purpose than to engage us in a war of intervention—in a species of crusade which he proposed to form against what he was pleased to call the despotic Powers of Europe. We are informed that his mission has recently failed in America; and as regards this country, it is perfectly preposterous. It appears, however, that he proposes to visit our shores again, and the manner in which he was received by large masses of the people, and the addresses that were presented to him, may have led him to suppose that something more substantial than sympathy may be worked up in this country. But nothing, as I have said, can be more preposterous. The energies and resources of this country must be reserved for its own purposes, and, I was almost going to say, for its own defence. From the marked manner in which M. Kossuth was received by the people in the manufacturing districts, it may be supposed that I am not speaking the sentiments of the public generally on this subject; they are ably and numerously represented in this House, and can speak for themselves; I speak only the language of those connected with land. We want no war, nor rumours of war. We know that our land is the only tangible security for the expenses of war; we want no addition to the 800,000,000*l.* of debt; and we are heartily tired of the income tax. But for national purposes it is far different; invade our territory, or threaten our shores, and we will be united as one man. But there is one circumstance connected with the visit of M. Kossuth which, I confess, appears to me somewhat strange and inconsistent: it is the marked attention which was paid him by some gentlemen who are never tired of preaching up peace. We can understand why the King of Naples kissed the courier that brought him news of the *coup d'état* at Paris; but we cannot understand why those gentlemen of peace should be so anxious to fraternise with one whose sole object in visiting this country was to rekindle the flames of war. Are we, then, to understand from those champions of peace that wars are just when they are proposed by a republican, and for the purpose of establishing a republic—for it was not a constitutional monarchy that M. Kossuth sought to establish? His object was not merely to curtail the privileges of "an overgrown aristocracy," but to establish that form of government which he declares is the only one worthy of the dignity of man. Had he stayed but a few days longer on our shores, he would have seen the result of, for the second time in six years, an endeavour to establish republican institutions among a people who are not fitted for them.

Sir, Her Majesty proceeds in the second place to state that She regrets that the war which unfortunately broke out on the eastern frontier of the Cape of Good Hope more than a year ago, still continues to rage. I need not say how greatly Her Majesty's subjects sympathise with Her in this feeling. From the extent of the frontier, the difficulties of the country, and the character of our enemy, it is a war that may be protracted for a considerable time, and that must be expensive ; it is hoped, however, that the vast resources which Her Majesty's Government have placed at the command of the new Governor of the Cape may enable him to bring it to a conclusion earlier than was expected. If so, it may be hoped that the colony of the Cape will be placed on a much better footing than at present, and that our troops may be withdrawn for the protection of the garrisons, and the frontier left to the colonists, who in former times were not only willing, but were fully capable of protecting their own property, and defending their own lives ; and when these arrangements shall have been made, I hope that no false notions of humanity will influence Her Majesty's Government, and that no Aborigines Protection Society will be suffered to intrude its twaddle; but that those who rob, murder, and steal, may be brought to the justice to which robbers, murderers, and thieves are usually left in civilised countries; for I can assure you that the taxpayers of this country would ill receive the news of another Kaffir war. I am afraid that one of the worst features of this war remains to be told, and that it will unpleasantly interfere with that otherwise agreeable statement which at a more advanced period of the Session the Chancellor of the Exchequer will have to make to us.

Thirdly, Her Majesty informs us that there will be some increase in the estimates of the present over the past year—a circumstance which will not, I believe, surprise either the House or the country in the existing state of the Continent, and the present state of feeling at home. This addition, probably, will not be on a very large scale; a few thousands added to our army, and a Channel fleet to cruise in the summer, will satisfy present fears, and meet our real requirements; for it appears to me most absurd that a nation, which six weeks ago considered herself mistress of the ocean, with the largest naval force in the world, and a mercantile marine twice the extent of that of any other nation, should now abandon itself to the dread of invasion. I am also happy to say that, though it may suit the purposes of political writers, or of disappointed admirals, to say the contrary, the forces of this country were never, since the commencement of its history, in a more flourishing state.

I now proceed to bring under the notice of the House a subject of the greatest consequence—a reform of the courts of law, which was recommended by Her Majesty to our deliberate consideration. The criminal code of this country, and the administration of the criminal law, have been greatly improved within the last twenty years; punishments are less severe, and convictions more certain. We are indebted for this not only to the labours of great lawyers and statesmen now dead—and last, but not least, to the honoured memory of Sir Robert Peel; but we are also indebted to men who now adorn the Bench, the Lord Chief Justices of the Queen's Bench and Common Pleas, for improvements in procedure, especially in the establishment of the County Courts, which have been a great boon to the trading classes. But in the Courts of Equity there has been no improvement. The Court of Chancery always was, and will be till Parliament interferes with it, a plague and a misfortune to this country. There are many men in this House, and thousands out of it, who know nothing and care nothing for the law—who have never suffered personally from its miseries, and have heard only from others of its delays, trickeries, and disappointments. They have never been brought in contact with this often perilous institution. Now—not for any purposes of amusement, for the subject is one of too much concern to me personally—but for the sake of instruction, I will, if the House will allow me, give them a very short detail of a case in which I am personally interested, not as the sufferer, but as the trustee for a relative of mine, whose object in instituting the trust was to sell his property and pay his debts. The property, being one of great value in the neighbourhood of Liverpool, found ready purchasers at high prices. The title to it was unexceptional; my relative had the fee-simple of the property, which had been in his family for six hundred years. With objects so honourable, under circumstances so favourable, and backed by the assistance of a firm of the highest integrity, and the greatest legal acquirements, Gentlemen in this House who know nothing of the Court of Chancery will fancy that the operation was as easy as possible. My relative, however, got connected with usurers, extortioners, money lenders, and Jews; with mortgagees more ready to seize on the land than to seize their money; and with agents unwilling to disgorge their ungodly gains. Eight suits in Chancery were instituted against him. To the second suit there were 54 parties; to the sixth suit there were 47; to the seventh suit 51 parties; and to the eighth something like 60 parties. We, however, proceeded with the object of the trust; and we have been now three years employed in effecting this simple operation. In one day, at one table, we paid down 40,000*l.* for interest, which was owing to the delays which these processes in the Court of Chancery had given rise to. We paid 10,000*l.* for the costs of actions not legitimately connected with the sales of the property; and, finally, it has cost us 70,000*l.* in litigation and costs. Thus, by the operation of the Court of Chancery, a solvent estate has been rendered insolvent, and instead of having a surplus to hand over to the proprietor, there is a deficiency to a considerable extent. Sooner than such a nuisance should exist in this country—sooner than that such a violation of justice and common sense should be perpetuated—I would say, Perish the Court of Chancery, the Masters in Chancery, and everybody connected with that Court. An Encumbered Estates Act would be a great blessing to the country, for let the landowners recollect that while the bankruptcy laws are available for the conversion of the estate of a bankrupt trader, and the distribution of the money thus realised, the owners of land are subject to this system of robbery and plunder. But who is there in the House that is capable of reforming the Court of Chancery? Who is there that can cleanse this Augean stable? Perhaps the noble Lord is happy in the time he has chosen for attempting to reform this institution; for I believe that there never before were so many Gentlemen of the legal profession within the walls of this House—Gentlemen not less distinguished for their high legal attainments than for their general usefulness as Members of this House. What a service would they render to their country if they would render the noble Lord their assistance in the honest endeavour to reform this Court! But, perhaps, it is expecting too much from human nature that Gentlemen should pull down a system by which they live.

Sir, we are told in Her Majesty's Speech that the attention of this House will be called to a constitutional measure for the colony of New Zealand—a measure which will, it is hoped, be acceptable both to the colonists themselves and to those who are about to leave these shores for that settlement. I have only to express a hope that the Anglo-Saxon race in those waters will grow into a great and powerful nation, and that by this Act their affection for the mother country will be increased and strengthened.

The Speech refers with great satisfaction to the state of the country, and states that, notwithstanding the reductions in the taxes which have taken place of late years, the national income has not undergone a proportionate diminution, and that while the revenue of the past year has been fully adequate to the demands of the public service, the reduction of taxes has greatly tended to the relief and comfort of Her Majesty's subjects. I believe I may safely congratulate the House on the state of the country, which is at present in a condition of almost unexampled prosperity. The manufactories of this country are in full work, and the operatives are orderly and peaceful; and although their wages may not be so high as they have been known to be, still they are now able to obtain a greater share both of the necessaries and comforts of life than at any former time. In commerce there have indisputably been great losses; but this is simply a case of over production, and the public have benefited by it, for the commodities have gone into consumption. There are a vast number of Gentlemen, both in and out of this House, who constantly assert that our commercial prosperity is all a fallacy; but during the many years that I have been in Parliament, I have always heard the same statement. From the Reciprocity Duties Act of Mr. Huskisson down to the extinction of the navigation laws, I have heard the same arguments and the same prophecies—that our commerce was decaying, that our trade was without profit, that our ships were rotting, and our sailors gone to America; and still here we are with a revenue increasing, the people in full work, and quiet and tranquillity reigning in the land. I firmly believe that the country was never in a more prosperous condition than at present.

I come now to the consideration of a measure upon which there may be some little difference of opinion. I allude to the extension of the suffrage. Advanced politicians and political writers have been very loud in declaiming against the noble Lord for not having brought forward this measure at an earlier period. They say that the people are very anxious for it, and that they are now in a fit state to receive it. But I think that in this they are unjust to the noble Lord and his colleagues. They do not seem to remember the number of measures of importance which have occupied the attention of this House during every Session of the present Parliament. Have they forgotten that we were occupied for one Session in taking the duty off corn—that in another there was the extinction of the Navigation Laws, and the sanitary condition of the people—and that last year our attention was divided between the amusements of the Exhibition and the miseries of religious warfare in this House? Do the public not know that any single Member of this House can impede, delay, and protract, the discussion of any measure, however useful, and however much it may be desired by the country? Do the public not know how greatly many Members of this House avail themselves of that licence? Do they not know that dozens of notices of Motions are entered upon that book which (although they occupy two or three nights' debate) never come to anything, and are never intended to come to anything? And I think that even the "early closing" movement of the hon. Member for Salford (Mr. Brotherton) impedes the transaction of business. Ministers are like other men; they must have some repose; and between their attendance at their offices in the morning, and their duties in this House in the evening, I believe that no operative engineer works so much overtime as Her Majesty's Ministers. Nor do I think that representatives who spend here five months out of the twelve in attending to the public interests, can be said to betray their trusts. But the time has now arrived when Her Majesty's Ministers are about to place on the table of this House a measure for the extension of the franchise. Some very funny writer—I know not who or where—has very justly remarked that in this country, "we think in herds," and that what one man says another repeats, until it becomes the fixed sentiment and opinion of a party. Now for this night only I will be an exception to this rule, and I will bring before the House my own notions on the subject of Parliamentary reform. As a reformer I should be well pleased if every man who contributed to the direct taxation of the State had a vote; I should be well pleased if every man who contributed to the poor-rates had a vote; and if every man who had a certain sum, say 50*l.*, in the savings bank had a vote. I would not give any one man two votes; and as to the manner of taking the votes, I do not hesitate to avow my utter abhorrence of the ballot. And although I think the duration of Parliament might be very properly curtailed, yet if it were reduced to three years, the first year of each Parliament would be occupied in finding out who were its Members, the second might be devoted to the public business; but in the third we should be occupied in addressing our constituents with a view to the ensuing election. I think, also, that a resort to triennial Parliaments would drive every person of station and property out of this House. For who is there with decent means, and a regard for the moderate enjoyment of ease and comfort, that would submit himself to the nuisance of a triennial election? My Bill, no doubt, considerably differs from that of the noble Lord—but who is there in this House that is afraid to extend the suffrage? Can we forget that within a very short time the principal towns of Europe—Paris, Berlin, and Vienna—were nearly at the same time in the hands of a mob? and can we forget that in this country not the slightest effect was produced upon the working classes? Was their loyalty to the Throne for one moment shaken; or was their submission and respect to the constituted authorities of the country one bit lessened? Can we forget that when a wretched band of politicians threatened to roll a petition on the floor of this House, so large that eight horses were required to drag it, every man who had a shilling in his pocket or a character to sustain enrolled himself under the banners of order and of the constituted authorities? and when that awful day came which was to sack London, that miserable, deluded, humbugged set of creatures, with a Member of this House at their head, vanished at the appearance of the first policeman, through all the by-alleys, and holes, and corners, to their miserable abodes, the subjects of derision rather than of punishment? If it is asked what substantial benefits the people of this country have derived from reform, I reply, many and great. The whole attention of this House since the passing of the Reform Bill has been directed to bettering the condition of the lower orders. The taxes upon the first necessaries of life have been diminished; their beef, their bread, and I wish I could add their beer, have been reduced in price. Their education has been attended to, and their sanitary condition has been improved. A limit has been placed to the hours of labour of those of tender age and of the weaker sex; women are now forbidden to make beasts of burden of themselves. Now, for these and for many other beneficial measures the people are entirely indebted to the reformed Parliament. Had not the House of Commons been rendered by that measure a more faithful representative of the people, I am firmly convinced that no Minister would ever have attempted these measures, for he never could have succeeded in obtaining the assent of the Legislature to them. I, for one, sincerely congratulate the country that we are about to receive an extension of the suffrage, for I am sure that in the hands of the people of this country it will always be well exercised.

I now come to a subject alluded to in the earlier part of the Speech from the Throne—the outrages which have taken place in some districts in Ireland. Sir, what measure can Government pass, or what arguments can I use, which may lead us to expect that we may enjoy three consecutive years of peace in that country? Who is there that ever entered that country who was not astonished at its capabilities, and delighted with its scenery and its people; and whoever left it that was not more puzzled than when he entered it? Famine does not appear to appal the people; nor abundance to give them content. The late Sir Robert Peel was wont to say that he never remembered a Session of Parliament in which there was not a Salmon Fishery Bill. During the many Sessions in which I have sat in this House I scarcely remember one in which the grievances of Ireland have not formed a principal subject of discussion. I am happy, however, to be able to inform the House that Her Majesty's Ministers do not seek for any increased powers, and we hope that the ordinary powers of the law will, for the hundredth time, within no long period be successful in putting down outrages. But while I am on the subject of Ireland, I cannot resist addressing a few words to some hon. Members of this House. There is a section of Members of this House, not formidable by their numbers, but yet respectable on account of their talents, and who last Session were bound together by the strongest tie that can bind men together—that of common religious opinions. This party, though not able to defeat, were still able to resist and to delay a measure which the noble Lord the Prime Minister of the country thought it necessary to introduce. They informed the House then, that, let the measure be what it might, the weight of their combined numbers would always be thrown into the scale of the Opposition, and that they would lose no opportunity which the nice balance of parties in this House might hold out of damaging the Government; and we learn from the statements of the organs of that party in the Irish press during the recess, that the same line of conduct is to be pursued in this Session. Let the measure be what it may, it is to be "war to the death" to the noble Lord and his colleagues. Sir, I earnestly implore these Gentlemen, at the commencement of the Session, to think well of their line of conduct. Let them look round this House and the country, and ask themselves where, under existing circumstances, they could find a party, in sufficient numbers or talent to occupy those (the Treasury) benches, that would have dealt with the occurrences of last year with greater leniency than the noble Lord? Suppose they bring in the right hon. Baronet the Member for Ripon (Sir James Graham), will they make it a *sine quâ non* that he brings in a Bill to cancel the Ecclesiastical Titles Act of last year; or will that right hon. Baronet evince the sincerity of his convictions by bringing in such a measure of his own accord? But there are circumstances taking place around us in Europe, to which, as Englishmen and Protestants, we cannot be insensible. It may be indiscreet to give utterance to these sentiments, but they occupy the attention of the people of this country. There are two parties striving for mastery in Europe. There is constitutional freedom on the one side, and despotism on the other. Despotism has called to its assistance the ultramontane section of the Catholic Church, and they have accepted the mission. Now the people of this country cannot and will not further the ends of despotism, whether it is that of the acknowledged imperial dynasties of Europe, or that of some upstart whom the circumstances of the times has enabled to obtain a self-constituted authority. I am satisfied that the noble Lord at the head of the Government, and his colleagues, and the party that support him, wish well to our Roman Catholic brethren, and that they wish that they may have the fullest enjoyment and exercise of their religious liberty. We wish that not only the letter but the spirit of the Emancipation Bill may be extended to them, and that they, as well as ourselves, may enjoy all places of trust, honour, and emolument; and we wish that we may be restored to that degree of religious harmony which existed in this country before the fatal measures taken by the head of the Roman Catholic Church. But we have constituents, and they expect us studiously to guard over and fearlessly and jealously to defend that principle which placed the family of Her present Majesty on the Throne; and that is the principle of Protestant ascendancy. Sir, the utmost licence of language for which you obtained permission at the commencement of the Session will not allow me to break through that etiquette and custom which forbids the Mover and Seconder of the Address to dilate upon the personal character of the Sovereign. I have therefore only to say that, looking to the deep and sincere feeling of attachment to the Throne which is entertained by all classes of the people, I am satisfied that this is a fit and proper time for adopting measures of constitutional reform.

Let us, then, I hope unanimously, agree to a loyal and dutiful Address to Her Majesty, in reply to Her gracious Speech from the Throne; and then let us proceed to business. The hon. Member concluded by moving—

"That an humble Address be presented to Her Majesty, to convey to Her Majesty the dutiful Thanks of this House for Her Most gracious Speech from the Throne:

"Humbly to concur with Her Majesty, that the period has arrived when, according to usage, Her Majesty can again avail Herself of our advice and assistance in the preparation and adoption of measures which the welfare of the Country may require:

"That we rejoice to learn that Her Majesty continues to maintain the most friendly relations with Foreign Powers:

"Humbly to thank Her Majesty, for acquainting us that the complicated Affairs of the Duchies of Holstein and Sleswig have continued to engage Her attention, and that Her Majesty has every reason to expect that the Treaty between Germany and Denmark, which was concluded at Berlin in the year before last, will in a short time be fully and completely executed:

"To assure Her Majesty, that we participate in the regret which Her Majesty has expressed, that the War which unfortunately broke out on the eastern frontier of the Cape of Good Hope more than a year ago still continues; and to thank Her Majesty for informing us, that papers will be laid before us containing full information as to the progress of the War, and the measures which have been taken for bringing it to a termination:

"That, while we unite with Her Majesty in the sincere satisfaction with which Her Majesty has observed the tranquillity which has prevailed throughout the greater portion of Ireland, we deplore in common with Her Majesty that certain parts of the Counties of Armagh, Monaghan, and Louth have been marked by the commission of outrages of the most serious description; that we rejoice to learn that the powers of the existing Law have been promptly exerted for the detection of the offenders, and for the repression of a system of crime and violence fatal to the best interests of the Country; that we thank Her Majesty for acquainting us that Her attention will continue to be directed to this important object:

"To thank Her Majesty for having ordered Estimates of the Expenses of the current year to be laid before us; and for the confidence which Her Majesty has been pleased to express in our loyalty and zeal to make adequate provision for the Public Service:

"To convey to Her Majesty our thanks for informing us that where any increase has been made in the Estimates of the present over the past year, such explanations will be given as will, Her Majesty trusts, satisfy us that such increase is consistent with a steady adherence to a pacific policy, and with the dictates of a wise economy:

"To thank Her Majesty for informing us that the improvement of the Administration of Justice in its various departments has continued to receive Her anxious attention, and that in furtherance of that object Her Majesty has directed Bills to be prepared founded upon the Reports made to Her Majesty by the respective Commissioners appointed to inquire into the practice and proceedings of the Superior Courts of Law and Equity:

"That we humbly concur with Her Majesty in the persuasion that nothing tends more to the peace, prosperity, and contentment of a Country, than the speedy and impartial administration of justice, and it will be our duty to give our best consideration to those measures which Her Majesty has recommended to our attention on this subject:

"To express our thanks to Her Majesty for informing us that Her Majesty believes that there is no necessity to renew the Act of 1848, for suspending the operation of a previous Act conferring Representative Institutions on New Zealand, which will expire early in the next year; and that no obstacle any longer exists to the enjoyment of Representative Institutions by New Zealand; to assure Her Majesty, that the form of these Institutions shall receive our best consideration, and that we trust, with the aid of the additional information which has been obtained since the passing of the Acts in question, to arrive at a decision beneficial to that important Colony:

"Humbly to state to Her Majesty, that we participate in the satisfaction which Her Majesty has been pleased to express in being able to inform us, that the large reductions of Taxes which have taken place of late years have not been attended with a proportionate diminution of the National Income; that we rejoice to learn that, while the reduction of Taxation has tended greatly to the relief and comfort of Her Majesty's subjects, the Revenue of the past year has been fully adequate to the demands of the Public Service:

"Humbly to join with Her Majesty in acknowledging, with thankfulness to Almighty God, that tranquillity, good order, and willing obedience to the Laws, continue to prevail generally throughout the Country:

"Humbly to thank Her Majesty for the expression of Her opinion that this is a fitting time for calmly considering whether it may not be advisable to make such Amendments in the Act of the late reign, relating to the Representation of the Commons in Parliament, as may be deemed calculated to carry into more complete effect the principles upon which that Law is founded:

"That we thank Her Majesty for the expression of the confidence which Her Majesty feels that, in any such consideration, we shall firmly adhere to the acknowledged principles of the Constitution, by which the Prerogatives of the Crown, the authority of both Houses of Parliament, and the Rights and Liberties of the People, are equally secured."

MR. BONHAM CARTER rose to second the Address. The hon. Member commenced by requesting the considerate indulgence of the House, remarking that when he remembered that of late years the position which he then occupied had often fallen to the lot of those of greater experience than himself, and when he considered the great importance of the subjects which had been submitted to the attention of the House in Her Majesty's Speech, he felt he had need of the fullest measure of their forbearance. Nor could he forget that on the present occasion there was an additional reason for embarrassment in the circumstance that they now for the first time took a formal possession of the House in which they were assembled. This event might naturally suggest grave thoughts. If long years had elapsed in the preparation of a building suitable for the councils of the nation, might we not trust that in its permanent character, in the solidity of its fabric, we might recognise a due adaptation to those institutions which had existed for ages in this country, and which, he trusted, would be our protection and our pride for ages yet to come? And further, might it not be observed that while they were constructing the new building, they had not laid the hands of wanton destruction on the old? He thought that no one would regret that they had retained that magnificent building which led back our thoughts to past ages, and that no one would pass to his duties less thoughtfully because he went through the venerable area of Westminster Hall. Whatever events might take place, whatever subjects might be discussed there, he believed that the House of Commons would ever maintain its dignity; and although they did not profess to emulate the splendour of the other House of Parliament, although their walls were not adorned by pictures representing episodes in the history of the country, they had before them the body of the people, who had the freest access to their discussions; the walls of that House were not adorned with the poetic conceptions of art, yet he trusted that the history of their country was not the less present to their minds, and that "Chivalry," and "Justice," and "Religion" would not the less pervade their counsels. The people of this country ever viewed with great interest, and often regarded with great solicitude, the state of our relations with foreign countries, and especially with that great country which had ever been in the foremost rank in arts as in arms; and that as much on account of the character of the people as on account of their geographical position. England had long ceased to entertain hostile feelings towards any country. Her earnest desire was to see established a Government of a permanent character, in accordance with the wishes of the people, of whatever State it might be, and of which the principal aim should be the promotion of a peaceful progress in the way of prosperity. Englishmen were naturally proud of their institutions—they were naturally proud of their liberty; but while they would wish to see those institutions adopted as far as they were known, they would force them on none; they would, however, desire to see everywhere observed the guarantee of individual liberties and popular rights. This he believed to be the unselfish view of every Englishman; but it must not be forgotten that our material interests were also intimately bound up with the interests of foreign States. That confidence was essential to the development of industry, and was the life of capital. Any great sacrifice of capital, whether by the withdrawal of a large portion of the population from industrial pursuits, or by interfering with the channels in which it would naturally flow, or in consequence of events and measures such as those of 1848, was disastrous to the country in which it took place, must always have an effect on neighbouring States, and ultimately most of all upon a commercial country like England. For those reasons, the people of this country heard with great satisfaction the assurance of the continuance of friendly relations with Foreign Powers. God forbid that, in our time, there should be any interruption of the blessings of peace, that had done so much to extend the comforts and multiply the sources of happiness of mankind since the beginning of the century! He believed that no precaution was wanting on the part of any who had a share in the government of this country, or on the part of any man who had the interest of his fellow-countrymen, or, indeed, his fellow-men, at heart, to maintain the continuance of peace and of those relations which conduced so much to its assurance. He ventured, with great confidence, to say that the character which this country should maintain amongst the nations of the world was shortly described by an ancient annalist:—

> "Populus nobilissimus; quique magnitudinem suam malit justitiâ tueri, sine cupiditate, sine impotentiâ; quieti secretique; nulla provocant bella; prompta tamen omnibus arma, ac, si res poscat, exercitus. Quiescentibus eadem fama."

Fearing none, arrogant to none; and whilst by our insular position we were removed from many of the risks of collision, he hoped that the just weight and authority of this country would ever be exerted in earnest endeavours to arrange differences which might arise among foreign States.

Her Majesty had called their attention to a painful subject, which had occupied a large share of public attention, and which, he regretted, they should have to discuss at that time. He would not have ventured to offer any observations on this subject had he not served upon the Committee of last Session for inquiring into our relations with the Kaffir tribes. Papers relating to the disputes and proceedings which had taken place, would hereafter be laid before the House, and this was not therefore the time to discuss the relative merits of different systems, or to impute blame; but he would venture to remark, that with regard to the outbreak at the Cape, he did not think it could be attributed to any act of aggression on the part of the colonists, and that witnesses of all tendencies and of all classes agreed that it was absolutely necessary that this country should thoroughly vindicate its power and authority. Until that was done, and until the close of the war, it was almost premature to discuss what measures should be adopted, or what future arrangements should be entered into with the natives of that colony. Persons who had considered the subject were not surprised that the war was so long prolonged, because they knew that there had existed there a chronic state of hostility—an intermittent fever of war—and that the natives possessed exceedingly great advantages in the nature of the country, and in their mode of warfare. They were not incumbered by the equipments of war, and the nature of the country; vast tracks covered with an impervious and incombustible thicket, facilitated very much their marauding expeditions, whilst it afforded a great protection against the operations of regular troops. That being the case, they should not be surprised that it was necessary to send out a large number of additional regiments; and the withdrawal of a large body of troops from this country, combined with other circumstances, fully justified the Government in asking for an increase of the Army. The state of feeling in the country of late years was so manifest that there was no doubt but the House of Commons would approach every question respecting the expenditure of the public money with the closest regard to economy; he thought, indeed, that every Government ought to court a constant and strict supervision. If private individuals, with the most intimate personal interest in those great undertakings which were so numerous in this country, found it impossible entirely to exclude laxity and waste, how much more must the Government be subject to the same tendencies. He thought that the country ought to secure to itself the most efficient service, and would grudge no reasonable expenditure for that end. But while he believed that in many departments great savings could be effected, he (Mr. Carter) would deprecate a system of continual demand for general reduction, irrespective of special propriety and of the exigencies of the public service. There were some who thought that the highest wisdom was contained in the reiteration of "the great revenue derivable from thrift;" but the advocates of such a system were unmindful of the equally true fact that the parsimony of to-day might be the burden of the morrow. Her Majesty had informed the House that measures would be submitted to it for improving the administration of the law. He believed this announcement would be hailed with pleasure throughout the country. He would not venture to go into the details that had been put before them by his hon. Friend the proposer of the Resolution; he would merely remark, that the House in dealing with the question must receive encouragement from the experiment already made by the establishment of the County Courts. In considering the question, they would not only have the aid of able and eminent men who had been appointed to the Commissions of Inquiry, and whose opinions would be placed before them; but also of the able professional Gentlemen who were Members of the House, who would, he was certain, afford them every possible light that could be required for the elucidation of such an intricate subject. He trusted that the close of the Session would see added to their statutes, not merely some hundreds of Acts increasing the already overwhelming mass, to be interpreted by a select few, but some distinct steps of improvement; and that henceforward they should not cease from a course of revision of that system of cumbrous proceedings, productive of delay and expense, which had tended so much to undermine the respect for the machinery of justice. Her Majesty had graciously informed the House that it gave Her great satisfaction to state that the large reduction of taxes which had taken place of late years had not been attended with a proportionate diminution of the national income, while the reduction of taxation had tended greatly to the relief and comfort of the people. He (Mr. B. Carter) felt that the present state of Her Majesty's subjects must afford great cause for congratulation—the main tests of national prosperity were satisfactory; the national barometer was rising; and though he would not trouble the House with statistics, he would just mention that their exports had materially increased in the last year; he believed they had increased to the amount of 3,000,000*l.* Their commercial shipping had not failed, in spite of the auguries of the past year and the year before last. He found that the number of their ships had increased very much. They had now three ships for every two that were in existence in 1832. They had a ship of 130 tons now for every ship of 100 tons at that former period, and a larger amount of tonnage than had ever yet been known. All that afforded strong evidence that the people of this country do not want remunerative employment. The home market was in a favourable condition, and satisfied the requirements of the manufacturers. That test so constantly referred to—the poor-law—did not on this occasion fail them. He found a great reduction in the amount of relief afforded to ablebodied persons. Local observation confirmed his views on this subject; and, without troubling the House with details, he would merely say that in a district which had generally been pre-eminent for wretchedness, namely, the north-eastern suburbs of London, there now appeared a great advance in the comforts of the people. Their clothing is better—their houses are more comfortable—they now consume more of the necessaries of life—they consume more tea, sugar, and animal food. The experience of medical men, whether attending in the districts or the hospitals, confirmed these observations, and they noticed the comparative rarity of those cases of disease, aggravated by want, which had formerly existed. The report of the Registrar General of Births, Marriages, and Deaths corroborated, in the increase of the two former and decrease of the latter, these views, and was such as was alone consistent with a state of prosperity. The consequence was, naturally, an increase of contentment to an extent seldom known. Last year saw gathered in the metropolis perhaps the largest assemblage of all classes and of all nations which the world had ever beheld, met together to note and to compare for future efforts the progress of civilisation, and display the noblest trophies of victory,—those of the application of human skill to the physical, intellectual, and he would add, moral, advancement of the welfare of mankind. From that free intercourse—from that great appeal to the senses and reason of so many millions, he argued the happiest results. He remembered being in the Crystal Palace with upwards of 100,000 people; and no one could observe the content visible in their faces—and nobody could fail to remark the general appearance of comfort among those great masses—without rejoicing in the prosperity of the country. He now begged to call attention to a subject to which Her Majesty had very properly referred at the close of Her Speech. He believed that when they had every evidence of good order and of contentment, without any sign of agitation, it was the most fitting time to take into consideration the extension of the suffrage. Since the passing of the Reform Bill a new generation had arisen to enter into the business of life, and in the time that had qualified them for the duties of manhood, they had had ample opportunity to perceive the defects in the measure of reform that had been passed at a period of great popular excitement, and undoubtedly with exaggerated expectations, not less from its supporters than its opponents. He believed that this was a most favourable opportunity for remedying those defects, for removing anomalies, and for enlarging the basis of the constitution. Without pretending to any detailed knowledge of the measures to be now submitted to Parliament, he might express the confident hope that they would embrace a very large amount of intelligence and capacity excluded by the present tests, necessarily rough and imperfect, of that Act, and which could never be more than approximate, for their simple application to so wide a subject. He could not believe that the people of this country had been uselessly occupied for the last twenty years; he could not think that they had been labouring strenuously to raise the standard of education, and to extend it throughout the country, entirely without effect. Not only the good order but the intelligence of the country justified them in taking this serious measure into consideration. He should venture to submit to the House one or two facts in illustration of this subject. He would call attention to the increase that had taken place in the number of letters that pass through the Post Office. The number of letters passing through the Post Office had risen from 75,000,000 in 1832, in the time of dear postage, to 169,000,000 in 1840; and now to nearly 1,000,000 a-day, for the number in 1851 was 360,500,000. This showed that the people were disposed to take advantage of opportunities placed within their reach, and though, doubtless, it was in a great degree attributable to increased commercial correspondence, and that of the educated classes, he could not believe but that it also showed a great amount of increased acquirement of the whole community, and many now wrote who never wrote before. No person could fail to observe the increase that had taken place in the number and cheapness of useful books in circulation amongst the people. He would venture to read to the House a short extract from the statement made by a member of a firm which had been most eminently distinguished in supplying works on popular education. Messrs. Chambers of Edinburgh, stated—

> "As regards our own publications, they are mainly addressed to classes of a generally humble position, and amount to about 10,000,000 sheets per annum. It may be curious for you to know that, in proportion as we go on, we find it necessary to rise in point of style and subject. What we gave ten years ago would not do now, such is the improvement in popular tastes. In twenty years we are conscious of a very great change in this respect. The higher order of workmen, such as foremen, steady journeymen, and people in a small way way of business, are all very different from what they were when we began our literary occupation."

Mr. Charles Knight stated—

> "The number of books read in mechanics' institutes and similar societies is multiplied prodigiously. Many have very valuable libraries, which are extensively used for reference and home reading."

Again, take the number of friendly societies—a subject on which the lower classes were so much indebted to the hon. Member for North Wilts. There had been 13,732 societies enrolled since 1832. It had been estimated that there were 4,000,000 of members. The depositors in savings banks were 433,000 in 1832; they were now nearly 1,100,000. These were evidences that a large extension of the franchise might be properly and wisely made; and he (Mr. Carter) hoped, that under the proposed Bill no large class would be able to show that it possessed the elements of a sound judgment, and could appreciate the trust, and yet that it should long remain without participation in the simplest function of government. He would also remind them that a great social question was looming in the distance, and that they had lately an instance of it before them. He referred to the laws that should regulate the relations of the employer and labourer. We had had a prominent instance lately before us; and if it was true that there were crude notions with regard to the laws, natural or artificial, which regulate the relation of capital and labour, and that sooner or later such subjects would in some form be submitted for our discussion; surely it would be wise and proper that the tribunal to which such questions should be referred should enjoy the confidence of the people, because their decision must often run counter to the popular prejudice, and therefore it should be so framed that its decisions would receive a ready acquiescence. He would not further enlarge upon the grounds which justified their entertainment of such a measure; but he believed that a well-considered supplement to the Reform Act, conceived in the interest of no party, conceded to no agitation, but granted to reasonable claims, would be well-timed and appropriate. He would not longer trespass on the House. He felt that he had but inadequately executed the duty he was called on to perform. The page of history yet unturned might chronicle events of the greatest importance. Difficult problems might be submitted for their solution, and at all events the questions which in that Session they were called to deliberate upon were grave and serious. Such questions might embarrass any one; and he could not pretend to give adequate expression to the sentiments which at the present time must press upon every man's mind, as to the duty of gathering round the Throne at the coming time. But he felt no evil forebodings, convinced that Her Majesty might have the fullest reliance on them, for he believed that the stability of the empire had its foundation in the hearts of the people. We, of the Commons (said the hon. Gentleman) know that the stability of the Empire has its foundation in the character of the people: that they will continue to strive earnestly to afford to the other nations of the world an example of consistent and peaceful progress, of regard for liberty and order, and of a just consideration for the rights of all. And in the maintenance of principles and of our position as a free country,

> "Naught shall make us rue,
> If England to herself prove true."

The hon. Gentleman seconded the Address.

Question proposed.

SIR BENJAMIN HALL: Mr. Speaker, I beg to assure the House that I do not rise at this moment for the purpose of offering any opposition to the Address that has been moved by my hon. Friend the Member for Anglesey; but as I observe that the first paragraph of that Address relates to the foreign policy of this country, and as great and important changes have taken place in the Ministry of this country, especially in that part of it which relates to the administration of our Foreign Affairs, I trust I may be excused if I take this, the first opportunity the Session affords me, of asking the noble Lord at the head of the Government to give to us, and to give to the country, some explanation of the causes which led to the change to which I have referred; and although I am perfectly well aware that the course I am now taking is an unusual one, yet it is consequent on circumstances which are of rare occurrence. But we have had in late years a precedent for the very course I am now adopting; and it is a precedent which must be in the recollection of many of those I now have the honour of addressing. On the 29th of January, 1828, Parliament met after a change that took place in the Administration of this country; and almost immediately after the Address had been moved, the Government was called upon for an explanation of the circumstances that had led to the alteration in the Cabinet; and although an objection was made to give that explanation at that moment, it was not in consequence of the time at which the explanation was asked—but the reason for not giving it was a good and sound one—it was because the individuals who were concerned in it were not present in the House at that moment; and on referring to the debates that took place at that time, you will find that the then Secretary at War (Lord Palmerston) stated that such explanation would not be given until the parties concerned were present. In this instance I believe the parties concerned are present; and in the instance to which I have referred, as soon as the parties concerned entered the House, the explanation was given to the House and to the country. And it is that I ask for now. I must now refer to the opening of Parliament on the 31st January, 1850. The Parliament was opened by Royal Commission, and the Commissioners were commanded to state that "Her Majesty, happily, continues in Peace and Amity with Foreign Powers." It will be in the recollection of the House that a debate took place on the Address, an Amendment was moved, and although 507 Members were present, not one word was then said with regard to the foreign policy of our country, and not a single objection was taken to the administration of the noble Lord who then presided over that department. On turning to the journals of the other House of Parliament, we find that a Motion was made a short time afterwards on what was called the Greek question; but which was really directed against the general foreign policy of the Government in regard to Foreign Affairs, and was more especially directed against the noble Lord then at the head of Foreign Affairs. That Motion was carried by a large majority against the Government. Soon after that Resolution was passed, condemnatory of the policy of the Government, and more especially of the course the noble Lord (Viscount Palmerston) had taken, the Gentlemen on the other (the Opposition) side of the House, were taunted for not bringing forward a Motion in accordance with that carried by their political friends elsewhere, and on their declining to do so, the hon. and learned Member for Sheffield (Mr. Roebuck) moved a Resolution, which was carried by a large majority—I may say a triumphant majority—in this House. The parties placed in opposition were invited to attend: and all those who sat at the opposite side of the House voted against all those on the Ministerial side of the House, and the Resolution moved and carried was to this effect:—

> "That the principles on which the Foreign Policy of Her Majesty's Government has been regulated have been such as were calculated to maintain the honour and dignity of this country; and, in times of unexampled difficulty, to preserve peace between England and the various nations of the world."

This was carried by a large majority of the House. This, however, was not done in favour of the noble Lord at the head of the Government, and the noble Lord, his Colleague, at the head of the Foreign Affairs of this country. And I beg to call the attention of the House to a topic in that debate which was much discussed and canvassed in this House, and much spoken of outside the walls of this House; and that was, that it was part of a cabal actively prosecuted for the purpose of removing the noble Lord (Viscount Palmerston) from office. It was openly talked of as having been determined to carry out the object that now has been achieved. And in allusion to that cabal, I find a remarkable passage in the admirable speech of the noble Lord at the head of the Government, in which he refers to it, and gives his unqualified approval to the administration of Foreign Affairs by his noble Colleague. The noble Lord said—

> "Let not any man, therefore, be misled by the notion which the right hon. Gentleman the Member for the University of Oxford stated last night, that while my noble Friend was Foreign Secretary this country was constantly on the brink of war. Why, that would be indeed a strange conclusion to come to, seeing that, in the thirty-five years of peace we have so happily enjoyed, for upwards of fourteen of them the foreign affairs of this country have been under the peculiar administration of my noble Friend. If such has been the case, I think it is presumption that there has been, however it may be denied, a foreign cabal at work, which has endeavoured to impose upon the public of England false statements, which, for the sake of its own ends, has raised unfounded suspicions with respect to the foreign policy of England, and which endeavours to overturn that foreign policy, partly out of a wish to see a Government more favourable to views of absolute power on the Continent, and partly out of a wish to diminish the power and reputation of England." [3 *Hansard*, cxii. 719.]

Such were the memorable words of the noble Lord when advocating his former Colleague. He admitted that there might be a cabal, and yet at the same time he said that everything that had been done by the noble Lord at the head of the Foreign Department was most admirable with regard to policy and the execution of his measures. So passed the Session; the noble Lord having had a triumphant majority in this House, his conduct approved of by the representatives of the people, and, I believe, approved of by the people out of doors. On Tuesday, the 4th of February, 1851, Parliament was opened by the Queen, and Her Majesty said—"I continue to maintain relations of Peace and Amity with Foreign Powers." During last Session not one word was said against the foreign policy of the Government. The Parliament closed in the month of August: who could have supposed that when we should meet here again at this usual time, the Government of the country would have lost one of its greatest ornaments, and one of its ablest supporters? I have now to call the attention of the House to some remarkable facts, and shall refrain as much as possible from making any comment upon them. I shall not refer to rumours which are as contradictory as they are various; my object is to put such facts before the House, and elicit information that we may know the real cause that led to the change in the Administration. On the 2nd of December last, events occurred in Paris, the cause of which we are in a great degree ignorant of, but the result of which we are well acquainted with. On the 24th of December, the resignation of Lord Palmerston was announced in the *Times* newspaper; on the 20th of January, the Ambassador from this country to the Court of France was either recalled or gave in his resignation. And now I am led to consider a matter which, whether it be of importance or not in discussing the present question, should be put before the House, that the noble Lord at the head of the Government may notice it, and inform us if there be any foundation for the statement that there has been a cabal at work. I have stated that Lord Palmerston's resignation was announced in the *Times* newspaper on the 24th of December last. It is a curious fact that a letter was written in Vienna on Tuesday the 23rd, the day previous—it was printed in the *Breslau Gazette* on the night of the 24th, and was published on the morning of the 25th; and it announced as clearly as it could do the intended dismissal or resignation of Lord Palmerston. I will quote a passage from that letter:—

> "There is a report here (in Vienna) of certain secret negotiations carried on by persons holding high position in England with the Court of Vienna, unknown to Lord Palmerston, having for their object a closer alliance between the two Courts, and at the same time the withdrawal of the noble Lord from the British Ministry."

That letter was written the day before Lord Palmerston's resignation was known to the public in this country, and was printed and circulated on Christmas-day—the day after that resignation or dismissal was made public. It was followed in Vienna by placards announcing it, put forward by the Government. It was followed also by rejoicing of an extraordinary nature, sanctioned, as I am informed and believe, by the Prime Minister of that country. So the matter stands up to this day. Her Majesty has opened Parliament in person to-day, and is advised to state from the Throne, "I continue to maintain the most Friendly Relations with Foreign Powers." The adjective is put in the superlative degree at the present time. And if we continue, as doubtless we do, in amicable relations with Foreign Powers, why is there this change? This time last year we were in peace and amity with Foreign Nations. Now we are informed, we are on the same footing with them, and we and the country ought not to be left in darkness any longer as to the reasons that have led either to the dismissal or resignation of the noble Lord, who so lately held the seals of the Foreign Office. I put it in the alternative—dismissal or resignation; for I do not pretend to know anything or to prejudge anything, but I put the question to the noble Lord at the head of the Government, that he may have the earliest opportunity of answering it, and I feel quite confident that he will do so at once. And having put this question to the noble Lord, I am sure the House will do me the favour of remarking that I have endeavoured to avoid touching upon any one topic contained in the Speech—that I have endeavoured to confine myself to this plain and simple question, and I admit I should not be acting fairly towards the noble Lord if I did otherwise.

Lord JOHN RUSSELL: Mr. Speaker, I am quite ready to answer the appeal that has been made to me by my hon. Friend the Member for Marylebone. I cannot do so, however, without entering a good deal into statements of details, both with respect to the particular occurrence to which my hon. Friend has alluded, and with respect to the administration of Foreign Affairs. I hope, therefore, the House will give me its indulgence, that if other topics in the Speech from the Throne are hereafter alluded to, and if any explanation in regard to them shall be required from me, I may be allowed to refer to them. I will now, Sir, proceed to answer the questions of my hon. Friend. I am entirely ready to admit that which he has stated, that in the debate of 1850, with respect to Greek affairs, I expressed the utmost confidence in the administration of Foreign Affairs by my noble Friend. I will say more. It was not in words only that I had shown my sense of the energy, the ability, the knowledge of the interests of this country in all parts of the world, which are pre-eminently the qualifications of my noble Friend the late Secretary of State for Foreign Affairs. I have more than once given testimony of it otherwise than in words; and I will state to the House that when an Administration was formed by Lord Melbourne, in 1835, the first proceeding of that noble Lord was to send for me and to ask what office he should recommend the Crown to place at my disposal, and whether I was disposed to undertake the office of Secretary of State for Foreign Affairs. My answer was that I did not wish to take that office, unless it suited the convenience of my noble Friend, but that, if it would the convenience of my noble Friend Lord Melbourne, my noble Friend Lord Palmerston, who was then out of Parliament, was eminently qualified for that post, and that I should be ready to take the Home Department if that arrangement should be found more beneficial to the public. Again, when in December, 1845, and in July, 1846, I was called on by Her Majesty to submit a plan of Administration to Her Majesty, I earnestly recommended to Her Majesty to place Lord Palmerston in the situation of Secretary of State for Foreign Affairs, as the person best qualified to hold that high office. The House will recollect that Her Majesty was pleased to approve of my noble Friend, and that from that time until December last he continued to hold that situation. It was with deep regret that I found that circumstances had occurred such as in my mind made it impossible for me to act any longer with my noble Friend in that situation in which he had shown such distinguished ability. But, Sir, before I enter into further explanation, it is as well that I should state what I conceive to be the position of a Secretary of State as regards the Crown in the administration of Foreign Affairs, and what I conceive to be the position of a Secretary of State for Foreign Affairs as regards the Prime Minister of this country. I think that when, on the one hand, the Crown, in consequence of a vote of the House of Commons, places its constitutional confidence in a Minister, that Minister is bound, on the other hand, to the Crown, to the most frank and full detail of every measure that is taken, and is bound either to obey the sanction of the Crown, or to leave to the Crown that full liberty which the Crown must possess, of no longer continuing that Minister in office. Such, Sir, I hold to be the general doctrine; but with regard to my noble Friend, it did so happen, that in 1850 precise terms were laid down, in a communication made to my noble Friend, with respect to the transaction of business between the Crown and the Secretary of State for Foreign Affairs. I became the organ of making that communication to my noble Friend, and thus became responsible for the sanction of the document I am about to read. I shall refer only to that part of the document which has reference to the subject now under consideration:—

> "The Queen requires, first, that Lord Palmerston will distinctly state what he proposes in a given case, in order that the Queen may know as distinctly to what She is giving Her Royal sanction. Secondly, having once given Her sanction to a measure, that it be not arbitrarily altered or modified by the Minister. Such an act She must consider as failing in sincerity towards the Crown, and justly to be visited by the exercise of Her constitutional right of dismissing that Minister. She expects to be kept informed of what passes between him and the foreign Ministers before important decisions are taken, based upon that intercourse; to receive the foreign despatches in good time; and to have the drafts for Her approval sent to Her in sufficient time to make Herself acquainted with their contents before they must be sent off. The Queen thinks it best that Lord John Russell should show this letter to Lord Palmerston."

I sent that accordingly, and received a letter from my noble Friend to the following effect:—

> "I have taken a copy of this memorandum of the Queen, and will not fail to attend to the directions which it contains."

I conceive those directions were such as should be maintained between the Foreign Secretary and the Crown. And now, Sir, I will state what is the duty of the Prime Minister, and I will state it, not in my own words, but in the words which were used by the late Sir Robert Peel, in giving evidence before the Committee of this House with respect to Official Salaries. The words are—

> "Take the case of the Prime Minister. You must presume that he reads every important despatch from every foreign Court. He cannot consult with the Secretary for Foreign Affairs, and exercise the influence which he ought to have with respect to the conduct of Foreign Affairs, unless he be master of everything of real importance passing in that department."

I conceive Sir Robert Peel there lays down the duty of a Prime Minister, and makes him responsible for the business of the country. I may say, likewise, that I was informed, both by Her Majesty and Sir Robert Peel, that Sir Robert Peel had advised Her Majesty to consult me whenever a question should arise with respect to foreign affairs, and to take my advice on such question. Such, then, being the state of the relations which I held towards the Crown on the one hand, and to my noble Friend on the other, I must say I have found the situation one of great difficulty. When my noble Friend first held the seals of the Foreign Office, he was placed under Earl Grey, a statesman of age and experience, to whom my noble Friend, then young in that particular office, would no doubt readily defer. When Lord Melbourne was at the head of the Government, that noble Lord's long intimacy and connection with my noble Friend would naturally incline him to place some confidence in the conduct of my noble Friend. Without either of these advantages I have certainly found, from time to time, that those relations were very difficult to maintain; while, at the same time, I felt that great responsibility devolved upon me. I will now, however, pass at once to the events of the autumn of the past year. There was a meeting of the Cabinet on the 3rd of November, and I happen to have my memory more impressed with what passed on that occasion, as I had taken a note of the statement I made. I stated that I thought the situation of Europe was exceedingly critical; that I thought we were on the verge of seeing, in 1852 (and there I was mistaken), of seeing the triumph of what is called social democracy in France and in other countries on the one hand, or on the other of seeing absolute power prevail over most parts of Europe; and I said, in either case the situation of England would be one of some peril, and that we could not expect that the social democratic Republic of France would observe the faith of treaties, or refrain from attacking our allies. I said, on the other hand, if absolute power should prevail, that there was a danger that this country, being an exception in its form of government from some other countries of Europe, might be made the subject of a combination on the subject of refugees in this country, and that demands might be made which this country, in consistency with its honour, could not concede. I stated my own opinion, that in this critical situation of affairs it was the interest of England to observe a strict neutrality. I maintained we ought to beware most especially against giving any just cause of offence to France; and to show the utmost vigilance in order to prevent any such cause of offence. I think my colleagues generally, and my noble Friend, who was more immediately concerned, entirely concurred in that opinion. No resolution was come to by the Cabinet on that occasion; but there was a general understanding as to the desirableness of adopting such a policy. Now, Sir, it happened, as I think, very unfortunately, a very short time after that Cabinet had taken place, that my noble Friend received at the Foreign Office certain addresses from districts of the metropolis, conveyed in terms most offensive to Sovereigns in alliance with this country. Now, Sir, I was fully persuaded at the time, and I am still fully persuaded, that though my noble Friend had not exercised due caution in that respect, though he had not taken the precaution of seeing those addresses before they were presented to him, and though he had not taken the further precaution of seeing that his words on that occasion were duly and accurately reported, I felt that this was simply an error in judgment; and I was also satisfied that there was great misrepresentation with respect to the reply given by my noble Friend to those addresses. I was therefore ready to accept the whole responsibility of my noble Friend's conduct on that occasion; but I could not forbear seeing that an error had been committed. I did hope that after that my noble Friend would have treated me with that frankness to which I think I was entitled; that he would make no important communication to a Foreign Minister without giving me information, without enabling me to give my opinion on the step that was to be taken, and, in short, without acknowledging that supervision to which Sir Robert Peel referred in the answer I have read. Sir, the next transaction which occurred is that from which the whole of this unfortunate subject has arisen. It has relation to the events which took place at Paris on the 2nd of December last. On the 3rd of December a despatch was received from the Marquess of Normanby, containing a question as to the diplomatic relations which were to be maintained by him with the Government of the President of France. A meeting of the Cabinet was held on the subject, and there existed a general prevailing opinion among its Members that the Government of this country had nothing more to do than to abstain from any interference whatever with the internal affairs of France. My noble Friend correctly represented the views of the Government in this respect in the following despatch :—

"Foreign Office, Dec. 6, 1851.

"My Lord—I have received and laid before the Queen your Excellency's despatch, No. 365, of the 3rd instant, requesting to be furnished with instructions for your guidance in the present state of affairs in France. I am commanded by Her Majesty to instruct your Excellency to make no change in your relations with the French Government. It is Her Majesty's desire that nothing should be done by her Ambassador at Paris which could wear the appearance of an interference of any kind in the internal affairs of France.—I am, &c. "PALMERSTON."

There was this solemn and formal decision of Her Majesty's Government, approved by the Queen, conveyed to the Ambassador at Paris, and, as I conceive, pointing out the line of conduct that was to be pursued by the Government, whether here or at Paris. [Mr. GLADSTONE: What is the date of that despatch?] The date of that letter is the 5th December. The draft was sent to Her Majesty on the 4th, and came back on the 5th. A few days afterwards, among the Foreign Office despatches that came to my hands, there was one from the Marquess of Normanby to Lord Palmerston, dated December 6, and received December 8. It was as follows :—

"Paris, Dec. 6, 1851.

"My Lord—I this morning received your Lordship's despatch, No. 600, of yesterday's date, and I afterwards called on M. Turgot, and informed him that I had received Her Majesty's commands to say that I need make no change in my relations with the French Government in consequence of what had passed. I added, that if there had been some little delay in making this communication, it arose from material circumstances not connected with any doubt on the subject. M. Turgot said that delay had been of less importance, as he had two days since heard from M. Walewski that your Lordship had expressed to him your entire approbation of the act of the President, and your conviction that he could not have acted otherwise than he had done. I said I had no knowledge of any such communication, and no instructions beyond our invariable rule to do nothing which should have the appearance of interfering in any way in the internal affairs of France, but that I had often had an opportunity of showing, under very varied circumstances, that whatever might be the Government here, I attached the utmost importance to maintaining the most amicable relations between the two countries. I added that I was sure, had the Government known of the suppression of the insurrection of the rogues at the time I had heard from them, I should have been commissioned to add their congratulations to mine. I have thought it necessary to mention what was stated about M. Walewski's despatch, because two of my colleagues here mentioned to me that the despatch, containing expressions precisely to that effect, had been read to them in order to show the decided opinion which England had pronounced.—I have, &c. "NORMANBY."

Now, Sir, I confess it did not appear to me that any serious difficulty would arise from that despatch. I wrote to my noble Friend to ask an explanation of it, which I felt convinced he would be able to give, and that, without denying what had been stated with regard to the communication made by a foreign Ambassador to M. Turgot, my noble Friend would have explained that he had done nothing more than stated to M. Walewski what appeared to him to be on the whole the best for the interest of France; and not that the Marquess of Normanby was the less to be guided by the instructions which were forwarded to him by his Government, or that he was to rest entirely upon imformation derived from other sources; but that in all his communications with the representatives of the various Governments of Europe at Paris he was to let it be understood that the Government of England expressed no opinion with regard to the internal affairs of France. I own that was my own opinion, and that it was the only wise and safe course to be pursued under the circumstances. However, I received no explanation from my noble Friend. Let me here, however, state what is the view I take of this case. If England were to allow her Foreign Secretary to pronounce an opinion of that kind, it could no longer be said that she had no interference with the internal affairs of France, for in pronouncing such an opinion by her Secretary for Foreign Affairs, a moral support, a moral sanction, and a moral influence would be given and exercised in favour of the course which had been taken by the President. Some days elapsed before I heard anything more on this head, not having had any communication from my noble Friend of any kind relating to these affairs. But on the 13th of December a messenger arrived at Woburn, bringing a communication to me from Her Majesty, making inquiry with respect to this same despatch, expressing incredulity at such an intimation of opinion, but asking for explanations as to the real state of the circumstances. The next morning I sent a messenger off to the noble Lord, and he must have arrived in London on the 14th inst. I received no answer on that day. On the 15th I received no answer whatever. On the 16th I wrote a note by the early post, expressing my opinion that such a silence was not respectful to Her Majesty, and asking for an answer. However, neither on the 15th nor the 16th did any communication reach me. The same extraordinary silence was observed. The inquiry of the Queen, as to what was the meaning of the alleged conversation between her Foreign Secretary and the Ambassador of a foreign country, was left entirely unnoticed. I own I was greatly surprised at such a state of things; but on the morning of the 17th I received copies of two despatches, one of which had been received, and the other had been sent. The first was from the Marquess of Normanby to Lord Palmerston, dated Paris, December the 16th, and received on the 17th. It was in these words:—

"Paris, Dec. 15, 1851.

"My Lord—In my despatch, No. 372, of the 5th inst., notifying my communication of my instructions to M. Turgot, I reported that his Excellency had mentioned that M. Walewski had written a despatch in which he stated that your Lordship had expressed your complete approbation of the course taken by the President in the recent *coup d'état.* I also reported that I had conveyed to M. Turgot my belief that there must be some mistake in this statement, and my reasons for that belief. But as a week has now elapsed without any explanation from your Lordship on this point, I must conclude M. Walewski's report to have been substantially correct. That being the case, I am perfectly aware that it is beyond the sphere of my present duties to make any remark upon the acts of your Lordship, except inasmuch as they affect my own position. But within these limits I must, with due deference, be permitted to observe, that if your Lordship, as Foreign Minister, holds one language on such a delicate point in Downing-street, without giving me any intimation you had done so—prescribing afterwards a different course to me, namely, the avoidance of any appearance of interference of any kind in the internal affairs of France—I am placed thereby in a very awkward position. If the language held in Downing-street is more favourable to the existing order of things in France than the instructions on which I am directed to guide myself upon the spot, it must be obvious that by that act of your Lordship's I become subject to misrepresentation and suspicion in merely doing my duty according to the official orders received through your Lordship from Her Majesty. All this is of more importance to me, because, as I stated before, several of my diplomatic colleagues had had the despatch read to them, and had derived from it the conviction that, if accurately reported, your expressions had been those of unqualified satisfaction.—I have, &c.,

"NORMANBY."

Now, although no answer had been given to me, and although I was unable to satisfy the inquiries which were made by my Sovereign, it appears that Lord Palmerston, on the 17th, the day on which this despatch was received, wrote of his own authority a despatch, which was sent to our Ambassador at Paris, and which had not obtained the sanction of Her Majesty, or the concurrence of myself and of my colleagues.

"Foreign Office, Dec. 16, 1851.

"My Lord—I have received your Excellency's despatch, No. 406, of the 15th inst., referring to the statement made to you by the French Minister for Foreign Affairs on the occasion of your communicating to his Excellency the instructions with which you have been furnished by Her Majesty's Government for your guidance in the present state of affairs in France; and I have to state to your Excellency that there has been nothing in the language which I have held, nor in the opinions which I have at any time expressed on the recent events in France, which has been in any way inconsistent with the instructions addressed to your Excellency—to abstain from anything which could bear the appearance of any interference in the internal affairs of France. The instructions contained in my despatch, No. 600, of the 5th inst., to which your Excellency refers, were sent to you, not in reply to a question as to what opinions your Excellency should express, but in reply to a question which I understood to be, whether your Excellency should continue your usual diplomatic relations with the President during the interval which was to elapse between the date of your Excellency's despatch, No. 365, of the 3rd inst., and the voting by the French nation on the question to be proposed to them by the President. As to aproving or condemning the step taken by the President in dissolving the Assembly, I conceive it is for the French nation, and not for the British Secretary of State, or for the British Ambassador, to pronounce judgment on that event; but if your Excellency wishes to know my own opinion on the change which has taken place in France, it is that such a state of antagonism had arisen betwen the President and the Assembly, that it was becoming every day more clear that their co-existence could not be of long duration; and it seemed to me better for the interests of France, and through them for the interests of the rest of Europe, that the power of the President should prevail, inasmuch as the continuance of his authority might afford a prospect of the maintenance of social order in France; whereas the divisions of opinions and parties in the Assembly appeared to betoken that their victory over the President would be the starting point for disastrous civil strife. Whether my opinion was right or wrong, it seems to be shared by persons interested in property in France, as far at least as the great and sudden rise in the funds and in other investments may be assumed to be indications of increasing confidence in the improved prospect of internal tranquillity in France.—I am, &c., "PALMERSTON."

Now, Sir, it appears to me that that despatch in the first place was not written in the usual style of my noble Friend, which is a style of great clearness and directness, but was a despatch altogether evading the real question which was at issue. The Marquess of Normanby had asked, and I think he was entitled to ask, "Have you expressed a complete approbation of the act of the President of the 2nd December, and, if so, am I to guide myself by that opinion; or am I to act according to the despatch of the 5th December?" To that question no answer whatever was returned. Neither is there in that despatch a reference to the opinions of the Government, nor is there any opinion expressed with the sanction of the Crown; but the Secretary of State for Foreign Affairs, putting himself in the place of the Crown, neglected and passed by the Crown, in order to give his own opinion with respect to the state of affairs in France. Now it struck me that a Secretary of State, constitutionally, has no such power. It appears to me that he can only act with the sanction and the authority of the Crown in matters of very great importance. In matters of small importance, I am ready to admit that the Secretary of State must be allowed to take a course which to him seems best, without a continual reference to the Crown; but in this matter, which was of the utmost importance, namely, that of giving the moral influence and support of England to the act of the President of the French Republic, it seems to me it was an affair so great that the opinion, not only of the Prime Minister, but of the Cabinet, should be taken, and that no such opinion should have been expressed without their concurrence, and without the sanction of the Crown. But, Sir, there is a further question. It is a question of the utmost delicacy, but it is a question on which I cannot refrain from saying a few words. The act of the President was not referred to in that despatch merely as dissolving the Assembly. That was an act which in the first instance dissolved the Assembly, and put an end to the existing constitution; it was an act, in the second place, which put an end to the elections of 1852, with respect to which great apprehensions were entertained; and, in the third place, it was an act putting an end to Parliamentary government in France; and, together with Parliamentary government, suspending those rights of freedom of speech and freedom of the press which we consider usually accompany Parliamentary government. Now, I am not going to enter into any dispute as to whether that was a fit thing to be done. That was entirely a question for the French people to decide. The French people might say, and were justly entitled to say, "What you call in England Parliamentary government has produced such evils in France, it has so frequently led to convulsions, it is so incompatible with the order and peace of society in our own country, that it ought to be at once abolished, and a different system established in its place." If the French nation chooses to say that, who has the right or the least pretence to contradict it? But it is another question to give the moral approbation of England, to place the broad seal of England upon that doctrine with regard to a great country. If France has so resolved—if that is her decision—I should do nothing but regret that the great qualities of human nature, brought out by Parliamentary government, by free discussion, and by a free press, should henceforth not have their full development. But with respect to our position it will be recollected, that during the existence of the present Administration, with my noble Friend as its organ, we have been continually giving the moral support and the moral sympathy of England to constitutional Parliamentary government. We have done so in Spain, we have done so in Portugal, and we have done so in Piedmont; and none was more ready than my noble Friend to impart that moral influence. But if we were at once to sign our approbation to this act of the President, however necessary, how could we say to other countries that we had advised other countries to continue the Parliamentary government which they enjoyed? It would, therefore, have appeared to me to have been a signal and a wide departure from that policy which the Government had hitherto pursued, and which my noble Friend especially sanctioned. But when this took place, as I conceive the authority of the Crown had been set aside, and set aside for a purpose which they could not sanction, it appeared to me that I had no other course than to inform my noble Friend, that while I held office, he could no longer hold the seals of the Foreign Office. Later in the day, and after I had formed that resolution, I received a long letter from my noble Friend; stating the reasons why he approved of the act of the President of France. But it appeared to me that those reasons no longer touched the case; because the real question now was, whether the Secretary of State was entitled, of his own authority, to write a despatch as the organ of the Queen's Government, in which his Colleagues had never concurred, and to which the Queen had never given Her Royal sanction? It appeared to me, that without degrading the Crown, I could not advise Her Majesty to retain that Minister in the Foreign Department of Her Government. I at the same time informed Her Majesty that a correspondence had taken place between Lord Palmerston and myself with respect to Her Majesty's wishes on the subject of despatches and diplomatic notes. This was on the Wednesday. I waited till the Saturday following, in order to consider and reconsider the matter before I finally resolved to submit this correspondence to Her Majesty. On Thursday I informed my noble Friend that I should wait till that day, as I thought it possible that he might either propose some course, or suggest some course, by which a separation might be avoided. Nothing of that kind, however, occurred, and being then as fully convinced as before, I, on Saturday, the 20th, wrote to Her Majesty, conveying copies of the correspondence which had passed, and likewise intimating my advice to Her Majesty, that my noble Friend should be required to give up the seals of the Foreign Office. In coming to a decision so weighty, by which I must be separated from a Colleague with whom I had acted so long, whose abilities I admired, and whose policy I had approved, I felt fully—whether I was right or wrong in so acting, I do not say—that it was one which I was bound to take by myself, and one upon which I ought not to consult any of my Colleagues, and one for which, in order to avoid anything which might hereafter be tortured into the appearance of a cabal, I ought to assume the sole and entire responsibility. With respect to the stories which my hon. Friend (Sir B. Hall) has related of the appearance of a letter in a Breslau paper written from Vienna, I can only assure him, however curious the coincidence may appear, that there was no truth whatever in the story of any intention on the part of the Government to endeavour to draw closer the relations of this country with Austria, or of the other matters to which that letter referred, and which arose solely and entirely from the conduct which I have stated and the motives I have laid before the House. Upon the 22nd the Cabinet met, and at that meeting I read the correspondence, both private and official, which had taken place between my noble Friend and myself, and I then stated that I was, of course, responsible for my conduct, and that, if my Colleagues disapproved of my conduct, of course I must leave office. I left it to them to form their own judgment upon the subject, and they decided, without any difference of opinion, that they thought I could have taken no other course than that which I had taken. I immediately proceeded to Windsor and advised Her Majesty to make choice of my noble Friend Earl Granville in the room of my noble Friend (Lord Palmerston). Now, Sir, with whatever pain the separation may have taken place, I was convinced then, and am convinced still, that, consistently with what is due to the honour of the Crown and to the character of the country, I could take no other course than that which I took. But here, let me state—because some parts of my statement may perhaps have led to that opinion in the minds of some hon. Members—that I am far from accusing my noble Friend of any intention of personal disrespect to the Crown. My belief is, that having been long conversant with the affairs of the Foreign Office, and having great confidence in his own judgment and his own mode of managing its affairs, he forgot and neglected that which was due to the Crown, and that also which was due to his Colleagues; but without any intention of giving any personal disrespect to either. But, Sir, it is impossible for me to make this statement without also referring in some degree to the state of affairs which now exists upon the continent of Europe. I think it necessary to make that statement, because I have been necessarily led into the avowal of my opinions that we could not properly or fairly express an opinion here favourable to the conduct of the President of France upon the 2nd of December. I thought it was necessary on our part not to do what we heard that the Austrian and Russian Ministers had done, namely, to go at once and congratulate the President on what he had done. This, however, I am bound to say, that the President of France, with the large means of information which he possesses, has no doubt taken that course from a consideration of the state of the country, and that the course which he has taken is that best fitted to secure the welfare of the country over which he rules. [*Laughter.*] Let me re-state what I have said upon this subject. I stated I could not give my approbation to the conduct of the President; but I have no reason to doubt, and everything which I have heard confirms that opinion, that in the opinion of the President of France the three things which I have mentioned, namely, putting an end to the French constitution, preventing the elections of 1852, and the abolition of the Parliamentary constitution, were all measures conducive, and perhaps essential, to the welfare of France. But I have something to state further, because I confess that I have seen with very great regret the language which has been used by some portion of the press of this country, with respect to the President of France and the affairs of that country. I remember something as a boy, and I have read more, of that which occurred during the peace of Amiens, which rendered that peace of so short a duration, and which involved these two great nations in the most bloody hostilities which ever mangled the face of Europe. I believe that temperate discussion, temperate negotiation, between the two countries might have averted the calamity of war with England, but that the language of the press at that time was such as greatly to embitter all negotiation, and to prevent the continuance of that peace. Sir, I should deeply regret if the press of this country at the present time were to take a similar course. We have indeed the great advantage over the time to which I refer, which is, that the First Consul of France, great as were his abilities, was totally ignorant of the means and of the constitution of this country; the present President of France has that advantage over his uncle, that he is perfectly aware how much liberty, nay, how much licence, of discussion prevails in this country, and that the fiercest and most unmeasured invectives of the press do not imply any feeling of hostility either on the part of the Government or on the part of the nation. I am convinced of this, that there never was a time in which it was more essential that these two great countries should preserve relations of peace and amity with each other. There never was a time when the peace of Europe would more contribute to the cause of civilisation and happiness. I am convinced also, from every assurance that I have had, that the ruler of France, the present President of that country, is desirous of keeping upon those terms of amity with this country; and it shall never be any fault of ours, while connected with the Government of the country, if those terms of peace and amity are not continued unimpaired. I have said this more especially, because it certainly will be our duty, as has been intimated in Her Majesty's Speech, to propose some increase in the estimates of the present year. When the proper time comes—when the measures are submitted—it will be shown, I trust to the satisfaction of the House, that those measures do not increase the armament of the country, and are, in fact, nothing more than what every nation on the Continent, and even the United States, think it necessary to take for their own national defence. It is impossible not to see that with the great changes which have taken place in the world, that with the other arts, the art of war has also greatly improved, and that it was necessary, even in the case of possibility of war, that we should not be without those means of defence which that improved art of war has provided. But really, to hear or read some of the letters—some of the language—used by some portions of the press, one would imagine that these two great nations, so wealthy, so similar in enlightenment, were going to butcher one another merely to try what would be the effect of percussion shells and needle guns. That feeling is, I am confident, but partial and limited, for I am convinced that the solid and deliberate opinion of this country is in favour of the continuance of the most permanent and solid peace, and which I think is the greatest blessing which the nations of Europe can enjoy. But, Sir, there is something further, to which, if I may be permitted, I will call the attention of the House. Four years ago we were astonished with news of insurrections in most of the capitals of Europe, and of a general, or something very like a general, establishment of the most democratic constitutions. I heard hon. Members in this House express their great joy at the establishment of these constitutions; but I could not participate in their joy or praises of what had occurred. I said I looked upon those events with mixed feelings—glad if they should turn out to be events which promoted the liberty and freedom of the nations of Europe, but being by no means confident as to that result. We have now seen four years pass over, and we have witnessed in almost all the countries where those democratic constitutions had been established, absolute power put in their place. For instance, in that little country of Tuscany, in which I lived for several months under the benignant rule of a most mild and enlightened Government, we have seen that country overturned by democracy; we have seen the Grand Duke driven from his dominions by the party which seeks for what is called Italian unity; and we have afterwards seen that democratic government suppressed, and the Grand Duke restored to absolute power, but with the addition of a foreign force occupying the country, and the subsistence of which is provided for by funds raised by the Italians for a very different purpose, while the inhabitants have made no more progress than before. In other countries, also—Austria, for instance—the constitution then given has been destroyed, and absolute power has been restored ; in Hesse a foreign force has also succeeded in replacing, and still upholding, absolute power. Now, Sir, is there no moral to be drawn from all these circumstances ? Does it not show in the first place that we should not give a hasty or rash approval of the events occurring in foreign countries ? Does it not show, likewise, that, with respect to ourselves, though it was thought we had not the same degree of liberty as some of those States, we have done wisely to adhere to our ancient institutions, and that freedom of the press and liberty of speech —*quid velis exponere, quid sentis dicere*— the essence of freedom are here more fully enjoyed than where popular liberty prevails to the utmost ? I trust, therefore, that we shall, with regard to our own country, continue in the path of peaceable and safe reform, rather than by the hasty adoption of anything different from our institutions run the risk of losing the very liberty for which we make the change. But as to foreign countries there is this to be said, that while we do not interfere with their domestic concerns—while we abstain from any intemperate judgment on their internal affairs, yet there is one result which comes home to us, and which imposes on us a duty from which we cannot flinch. All these various Governments of foreign States, as each gets uppermost, send their enemies and opponents out of the country, and the consequence is, that we have many who are seeking refuge in England. In giving them hospitality we are but pursuing the ancient and known policy of this country; we are but doing that which was celebrated two centuries ago, when Waller said—

> "Whether this portion of the world were rent
> By the rude ocean from the continent,
> Or thus created, it was sure designed
> To be the sacred refuge of mankind."

I trust that we shall never see this boast falsified; that while we disapprove of any attempt made in this country to change the established Governments of other countries, so long as those exiles conduct themselves peaceably, we shall consider it the honour and distinction of this country to receive indiscriminately all those who are the victims of misfortune. With these opinions, therefore, with respect to foreign affairs, and as to the advantages that we derive from them, as to the obligations which they impose upon us, I shall conclude when I say to the House, that, not wishing in any degree to enter on the topics which have been introduced, it has been necessary that at the request of my hon. Friend (Sir B. Hall) I should give the explanation of the conduct I have pursued with respect to my noble Friend (Lord Palmerston), and that it has been impossible to do so without at the same time recurring to what took place in a neighbouring country; but I must again repeat that in any measures which we have to take— that in any measures which we may think it our duty to submit to this House, it shall be our object not to increase that unreasonable panic, but to alleviate it. It is my persuasion that it is wise at all times to take precautions against contingent and possible danger; but at the same time, I say, there is no reason to suppose that any danger threatens us; that there is in fact, at the present moment, no dispute between us and any other Power. I have the happiness to say, that the relations of peace exist between this country and foreign nations in the fullest degree. I trust they may continue to do so; and while I deplore events which have passed on the continent of Europe—events which I fear were but the too certain consequences of the revolution of 1848, I trust that, with peace and civilisation, with the knowledge which is daily gained by us, with the inventions which are hourly made to improve the condition of the times, national liberty will at length be firmly established, and that, with religion, it will govern the hearts of men, and produce a happier age to mankind.

VISCOUNT PALMERSTON: Sir, I am sure the House will feel that after what has passed on the part of my hon. Friend behind me (Sir B. Hall), and the noble Lord who has just sat down, it is absolutely incumbent on me to make some observations to the House. I should be sorry, indeed, Sir, that this House and the country should run away with the impression which the speech of the noble Lord has been too well calculated to make, that I have abandoned principles I have ever entertained—that I have changed opinions, and which, I trust, I never shall alter—that I have been the advocate of absolute power—and that I have been in favour of the abolition of constitutional government; but I shall come to that immediately. The noble Lord at the head of the Government began the remarks he made to the House by stating his opinion of the relations which ought to subsist between the Foreign Secretary and the Crown on the one hand, and the Foreign Secretary and Prime Minister on the other. In that definition I most entirely concur, and I flatter myself I have done nothing which is inconsistent with either of those relations. Sir, the practice that prevails in the Foreign Office was that which the noble Lord has described as laid down in the Memorandum of 1850; but the practice did not begin at that time, but was in existence before—namely, that no important political instruction is ever sent to any British Minister abroad, and no note addressed to any Foreign diplomatic agent, without the draught being first submitted to the head of the Government, in order that the pleasure of the Crown might be taken upon it; and if either the higher authority or the Prime Minister suggested alterations, those alterations were made, or the despatch was withheld. It has, I know, sometimes been said, that though the general tenor of the policy pursued by me had met with the approval of Her Majesty's Government, and was right, yet there was, notwithstanding, something in the manner of conducting it calculated to excite irritation on the part of foreign Governments. Now, the manner of conducting that business consisted in the framing of despatches or notes; and I have stated that these despatches and notes were never sent unless they had obtained the previous sanction of the noble Lord at the head of the Government. The noble Lord has commented upon an incident which I am ready to admit excited some degree of regret on my part—namely, the interview which took place between me and a certain deputation from Finsbury and Islington on the subject of the efforts made by Her Majesty's Government to obtain the release of the Hungarian refugees detained in the Turkish dominions. I was asked by letter to receive a deputation, instructed to express the acknowledgments of a certain meeting to me, as a member of the Government, and the organ of its foreign policy, for the efforts made to obtain the liberation of those refugees. I thought it was my duty, being thus applied to by respectable persons, to receive this deputation from a meeting of Her Majesty's subjects. I certainly did not expect, not being so much in the habit of receiving deputations as my noble Friend probably is, I did not expect that what passed in conversation with those persons was to appear in a newspaper paragraph next day as "an important declaration on the part of Her Majesty's Government." But nothing was said to that deputation by me which I had not stated previously in my place in this House, and elsewhere, and which has not been perfectly well known to the Government. I certainly regret that the meeting should have mixed up with their acknowledgments to Her Majesty's Government expressions with respect to foreign Sovereigns, which it was entirely unfitting to be addressed to a person in my situation. If I had taken the precaution, which I certainly might, to see the address previously, I might have objected to such parts, and they might have been expunged; but, being taken by surprise, and the address being read to me on the spot, all I could do was to repudiate those expressions, and to disclaim any participation in the opinions which they expressed. I do not think that what passed on that occasion was reasonably calculated to impair the friendly relations between Her Majesty's Government and any Continental Power. I will now come to the particular transaction to which the noble Lord has referred as the groundwork of my removal from office. The event which is commonly called the *coup d'état* happened in Paris on the 2nd December. On the 3rd the French Ambassador, with whom I was in the habit of almost daily communication, called on me at my house to inform me of the news which he had received, and to talk over the events of the preceding day; and I stated conversationally the opinion I entertained of the events which had taken place. That opinion was exactly the opinion expressed in the latter part of the despatch to Lord Normanby, which the noble Lord has read; and the French Ambassador, as I am informed, communicated the result of that conversation in a private letter to his Minister. On that day, the 3rd of December, Her Majesty's Ambassador at Paris wrote a despatch to ask what instructions he should receive for his guidance during the interval which must elapse before the vote of the French nation upon the questions to be proposed to them by the President was known; and whether in that interval he should infuse into his relations with the French Government any greater degree of reserve than usual. I took the opinion of the Cabinet on that question, and a draught of answer was prepared and sent for Her Majesty's approbation. The answer could only be one, in consistence with the course we had pursued from the very beginning of the events in 1848, and was such as the noble Lord has read. Her Majesty's Ambassador was instructed to make no change in his relations with the French Government, and to do nothing that should wear the appearance of an interference of any kind in the internal affairs of France. There was no instruction to communicate that document to the French Government; it simply contained instructions, not, in fact, what the English Ambassador was to do, but what he was to abstain from doing. The noble Lord, however (the Marquess of Normanby), thonght it right to communicate to the French Minister for Foreign Affairs the substance of that instruction, accompanying his communication with certain excuses for delay. Delay, however, there had been none, because his despatch was dated the 3rd, the answer was sent off on the 5th, and he communicated the reply on the 6th. The French Minister stated that he had nothing to say with respect to the delay, and the less, indeed, because two days before he had received from the French Ambassador in London a statement which the noble Lord (Lord J. Russell) has read, namely, that I had entirely approved of what had been done, and thought the President of the French could not have acted otherwise. That was a somewhat highly-coloured explanation of the result of a rather long conversation. Those particular words I never used, and probably the French Ambassador never would have conceived it consistent with the dignity of his country to ask the approval of a Foreign Secretary of State. Consequently, the approval was not given, and was not asked. When the Marquess of Normanby's despatch reached my noble Friend (Lord J. Russell), he wrote to say he trusted that I would contradict that report. There was, as he has stated, an interval between the receipt of the noble Lord's letter and my answer. The noble Lord's letter was dated on the 14th, and my answer the 16th. I was at the time labouring under a heavy pressure of business, and, wishing fully to explain the opinion I had expressed, it was not until late in the evening of the 16th that I was able to write my answer. The noble Lord got it early next morning, on the 17th. My answer was, that the words quoted by the Marquess of Normanby gave a high colouring to anything I could have said in my conversation with the French Ambassador on the 3rd of December; but that my opinion was, and that opinion, no doubt, I expressed, that such was the antagonism which had arisen between the French Assembly and the President of the Republic, that their long co-existence had become impossible, and that it was my opinion that if one or the other were to prevail, it would be better for France, and, through the interests of France, better for the interests of Europe, that the President should prevail than the Assembly. My reason was, that the Assembly had nothing to offer as a substitute for the President, but alternatives ending obviously in civil war or anarchy; whereas the President, on the other hand, had to offer unity of purpose and unity of authority, and if he were inclined to do so, he might give to France internal tranquillity with permanent good government. This was the opinion I expressed on the 3rd, the day after the *coup d'état*. I will not trouble the House with all the arguments in my letter of the 16th to the noble Lord at the head of the Government, or with all the illustrations it contained. My noble Friend replied to that letter, that he had come to the reluctant conclusion that it would not be consistent with the interests of the country to allow the management of the Foreign Affairs of the country to remain any longer in my hands. He said that the question between us was not whether the President was justified or not in what he had done, but whether I was justified or not in having expressed any opinion on the subject. To that I replied, that of course I should be ready to give up the Seals whenever my successor was appointed; but I added that there is in diplomatic intercourse a well-known and perfectly understood distinction between official conversations, by which Governments are bound, and which represent the opinions of Governments, and those non-official conversations by which Governments are not bound, and in which the speakers do not express the opinion of Governments, but simply the opinions they may themselves for the moment entertain. I said, that in my conversation with Count Walewski, on the 3rd December, nothing passed which could in the slightest degree fetter the action of the Government, and that if the doctrine of the noble Lord were established, and if the Foreign Secretary were to be precluded from expressing on passing events any opinion to a Foreign Minister, except in the capacity of an organ of a previously consulted Cabinet, there would be an end to that freedom of intercourse between Secretaries of State for Foreign Affairs and Foreign Ministers, which tends so much to good understanding and to the facility of public business. To this my noble Friend replied that my letter left him no other course than to ask Her Majesty to appoint a successor to me. Now, it is my humble opinion that my doctrine is right, and that of my noble Friend is wrong; because it is obvious that if the Secretary of State for Foreign Affairs were never allowed in easy and familiar conversation with Foreign Ministers to express an opinion on foreign events, whether important or not, not as the opinion of the Government, but as an opinion which he had formed himself at the moment, then such a restriction on his intercourse with Foreign Ministers would be extremely injurious and very prejudicial to the public service. Now be it remembered that I expressed this opinion to which the noble Lord has referred, to the French Ambassador, on the 3rd of December, the day immediately after the *coup d'état ;* but was I the only Member of the Cabinet who did thus express an opinion on that event? I am informed that on the evening of that very day, and under the same roof, the noble Lord at the head of the Government, in conversation with the same Ambassador, expressed his opinion. It is not, perhaps, for me to say what that opinion was, but from what has just now fallen from the noble Lord this evening, it may be assumed that that opinion was not very different even from the reported opinion which I am supposed to have expressed. Was that all? On the Friday, and in the noble Lord's own house, I have been informed that the French Ambassador met the noble Lord the President of the Council and the right hon. Gentleman the Chancellor of the Exchequer. The noble Lord at the head of the Government again expressed an opinion, and the President of the Council and the Chancellor of the Exchequer also expressed an opinion. I believe their opinions were similar to mine; but, be it remembered, the charge against me was not the nature of the opinion I had expressed, but the fact that I had expressed an opinion, for the noble Lord distinctly told me, "You mistake the question between us; it is not whether the President was justified or not, but whether you were justified in expressing an opinion on the matter at all." I believe that the noble Lord the Secretary of State for the Colonies did also in those few days express an opinion on those events; and I have been informed also that the Vice-President of the Board of Trade, and now the Secretary of State for Foreign Affairs, also expressed his opinion. Then it follows that every Member of the Cabinet, whatever his official avocations may have been—however much his attention may have been devoted to other matters—is at liberty to express an opinion on passing events abroad; but the Secretary of State for Foreign Affairs, whose peculiar duty it is to watch over those events and to form an opinion—who is unfit for his office if he has not an opinion on them—is the only man not permitted to express any opinion at all; and when a foreign Minister comes and tells him news, he is to remain speechless, like a gaping dolt, or as silent as the mute of some Eastern Pasha? Why, Sir, I say such a course would not be consistent with the position of a Minister: it would not be consistent with the interests of the country. But I am told now, "It is not your conversation with Count Walewski that is complained of, but your despatch to the Marquess of Normanby." What did I state in that despatch, in reference to which a great parade is made, as if I had been guilty of breach of duty to the Crown, and of my obligations to the Prime Minister, in sending it without previously communicating with the noble Lord? No man can lay down the matter more strongly than I have as to the obligations of the Secretary of State for Foreign Affairs. I have always admitted that if the Secretary of State for Foreign Affairs sends a despatch of importance to an Ambassador abroad, without ascertaining the opinion of the Prime Minister, or Crown, he is guilty of a breach of duty. But there are many cases in which he perfectly well knows that he is only expressing the opinion of the Government, and when inconvenience might arise from delay. There are many cases in which a sedulous and careful observance of the strict rule on my part has been attended with inconvenience to the public service, and has exposed me to imputations of neglect and delay in answering despatches received. But what was the despatch from the Marquess of Normanby, and what was my answer? Lord Normanby, in his despatch of the 6th Dec., had said that the French Minister had reported that I used certain expressions which Lord Normanby represents as inconsistent with the instructions not to interfere in the internal affairs of France. I cannot see, even if I had used the language ascribed to me, that it would have been in any way inconsistent with the instructions to him to make no alteration in the nature of his relations with the Government of France, and not to interfere in the internal affairs of France. But what does he report in that despatch of the 6th as having been done? He says, that after making that communication to M. Turgot to which the noble Lord has alluded, namely, that he had been instructed to do nothing which should have the appearance of interfering in any way in the internal affairs of France, he proceeded to tell M. Turgot that he was quite sure that if the Government had known the events of Paris on the Thursday and Friday they would have joined their congratulations to his. Surely that was a greater apparent interference in the internal affairs of the French nation than any conversation of mine with Count Walewski. However, Lord Normanby having reported the expressions of the French Minister to me, I did not think it necessary to go into any argument on the subject; but ten days afterwards, on the 15th of December, the Ambassador at Paris, rather inverting, I think, the positions of Ambassador and Secretary of State, calls on the Secretary of State to give him an explanation as to the language the Secretary of State was supposed to have used to Count Walewski on the 3rd. I repeated in my despatch to him, that neither the Secretary of State nor the Ambassador were entitled to pronounce a judgment on the events which had taken place in France; and I told him shortly what was the nature of the opinion to which I had given expression in conversation with the French Ambassador. Therefore it is a misrepresentation of the facts of the case to say that, in answering Lord Normanby's letter, I was giving instructions inconsistent with the nature of our relations with the French Government. It was no instruction at all. I did not give the opinion of the Government or of England. It was my own opinion; which I had expressed ten days before; and, whether right or wrong, it was shared by numbers in France. Therefore the charge which the noble Lord (Lord J. Russell) has brought against me, founded on that despatch, has no foundation in justice or in fact. That is the state of the case as between the noble Lord and myself. As for the noble Lord advising the Queen to appoint a successor to me, that was a step which it was perfectly competent for the noble Lord to take without assigning any reason to me. But he chose to assign a reason, and that reason was, that I did, in conversation with Count Walewski, that which he and other divers Members of the Cabinet appear also to have done in conversation with the same person. I do not, however, dispute the right of the noble Lord to remove any Member of the Government whom he may think it better to remove than to retain in the Cabinet. With respect to myself, the noble Lord has done me justice by saying that the course of foreign policy of which I was the instrument had received the constant approbation and support of the rest of the Government. I think that course of foreign policy was the proper one for this country to pursue. I always thought it was the duty of the Government of this country to make the interests of England the polar star to guide our course; and that it was my duty to be—as the noble Lord described me in 1850, neither the Minister of Austria, of Russia, nor of Prussia, but the Minister of England. I have felt it my duty to maintain the interests of England, to afford protection to British subjects abroad in all parts of the world, to protect their commerce, their persons, and their property. It is not to be expected that, in pursuing that course, and in giving that encouragement which our own disposition and the wishes of the country stimulated us to give to the progressive diffusion of constitutional government in other countries—it is not to be expected, I repeat, that such a course could be pursued without meeting with opposition from persons and Governments who entertained opposite opinions, or who have happened to be wrongdoers, and from whom redress might be demanded. But I am happy to say—and my statement is confirmed by what has just fallen from the noble Lord—that after having for a considerable time had the good fortune and honour to be the instrument to guide the foreign relations of this country, I have left the country in a state of friendly relations with respect to every country in the world, and that there is no question, no political question of any importance, creating a difference between this and any foreign State. It is not always that that could have been said. There have been periods when, unfortunately, differences have existed; but at all events, that "firebrand of revolutions," as I have been called, that individual who has been accused of having embroiled the relations of England with all other countries, after having found the country involved in difficulties, has left office with no question of serious difference between this and other nations, but with amity subsisting between this and all other countries. For instance, there are our relations with Russia. The time has been when we have had serious differences with that Power. But between England and Russia there now exists the most cordial understanding upon the very questions on which formerly differences prevailed, namely, with regard to Persia and Turkey. A short time ago questions arose in which Prussia was concerned, which seriously affected the peace of the north of Germany, and which we succeeded in arranging; and it was satisfactory to Her Majesty's Government that, by our conduct in seconding the proper and just pretensions of Denmark, we succeeded in wiping out the recollections of former events which had embittered the relations of the two countries, and that we were enabled to establish between England and Denmark relations of the most friendly and confidential nature. Then there is France. No man, Sir, can estimate more highly than I do those considerations which the noble Lord has adverted to, and which make it the common interest of France and England that the most perfect friendship and cordial good understanding should subsist between them; and accordingly during all the changes which have taken place in France since the year 1848, whoever was at the head of the Government, and whatever form of government was adopted by the French nation, we abstained from all interference with the internal affairs of that country. Our principle has been to treat the authorities of the moment as the Government of the French nation; and with those authorities our relations have always been those of cordial amity. Then, with regard to the United States. The United States constitute a Power between which and this country in former years serious difficulties have existed. But the relations between these two countries are now upon a cordial footing, and a better understanding prevails between them than has ever before existed between those two great and kindred Powers. This is a state of things, which I must say, is very much owing to the ability and conciliatory manners of our late Minister to the United States, Sir Henry Bulwer; and very much also to the manly, straightforward, frank, and conciliatory character of that distinguished Gentleman who represents the United States at this Court. Well, Sir, with the Spanish States of America our normal condition, I may almost say, has been that of demanding redress for injuries done to British subjects. But many of these points of dispute are now either settled or in a train of adjustment; and our relations with those States are now as good as they ever have been, or as they are likely to be. I now come to Brazil. With Brazil we are co-operating, for the great object of the suppression of the slave trade. That object has been attained with such success that whereas in former years the number of slaves imported into Brazil had been 50,000, 60,000, and 70,000, the number of slaves brought during the last year was scarcely more than 3,000, of which a certain number were seized by the Government for the purpose of emancipation. And, Sir, if the measures now in operation between England and Brazil, and the measures which are now being taken upon the coast of Africa, are well and systematically followed out, the people of this country will in a short time have the satisfaction of fully accomplishing the great and noble object which for so long a period has been the aim at which they have directed their efforts. I will not affront the people of England by saying that they will gain thereby reputation and renown, because it is not to gain reputation and renown that those sacrifices have been made, and those exertions have been continued. They have desired the extinction of the slave traffic "not for fame, but virtue's better end;" and the people of this country, whenever that great object is accomplished, will look for their reward, not to the tongues of men, but to the dispensing hand of a just and retributive Providence. I now come to Spain. Our relations with Spain are now more cordial than they ever for a long time have been, notwithstanding our recent differences with that Power. With the States of Italy we have had questions also: with Naples relative to losses sustained by individual British subjects; but these have been settled in the most satisfactory manner. With Turkey our relations have been perfectly amicable, Austria is perhaps the only Power with which our relations have not been quite so cordial as in some former periods of our history. But with Austria, so far as outward appearances and diplomatic relations are concerned, we are upon friendly terms. With regard to Austria, I must remind the House however, that great differences of opinion and of principle have existed of late years between the English and Austrian Governments. England has always supported the diffusion of constitutional government, while the Austrian Government, on the contrary, has preferred the despotic system. In Portugal, in Spain, in Sicily, and the north of Italy, the two Governments were at variance in their opinions, and also in their views upon some difficult practical questions. They differed also in their views of Hungarian affairs, and upon the proceedings of Turkey with regard to the treatment of the Hungarian refugees. But these differences constitute no reason why the British and Austrian Governments should not co-operate with each other upon any matter on which their opinions and interests may agree. England and Austria had differences with each other in the years 1834, 1835, 1836, and 1837, with regard to the affairs of Portugal and Spain; but that did not prevent our cooperating with Austria in 1840 or 1841, when the objects and views of her Government were identical with our own. And whatever irritation may have arisen, and whatever differences of policy may have existed, that irritation was sure eventually to subside, and I am therefore justified in including Austria among the countries with whom we have satisfactory relations. Sir, having conducted the affairs of this country through periods of considerable difficulty, it was my good fortune to be the instrument of peace, and to combine therewith the not unsuccessful assertion of the interests of England. And I think I may say that in quitting office I have handed over the foreign relations of the country to my successor with the honour and dignity of England unsullied, and leaving her character and reputation standing high among the nations of the world.

Mr. MUNTZ said, he wished to make an observation with respect to what had fallen from the hon. Baronet the mover of the Address, in reference to the motives that had actuated the manufacturers in their reception of Kossuth. The hon. Baronet said that they had received him with the warmth they had exhibited because he (M. Kossuth) was a republican. Now, he (Mr. Muntz) begged, for his own part, to state that in taking part in his reception he had never once given the matter a thought, whether he was a republican, a monarchist, or an oligarchist; and he (Mr. Muntz) could likewise say the same for a large portion of his constituents. They had received M. Kossuth because they saw in him a man who had exerted himself much in opposition to a treacherous oppressor, and who would have done so successfully but for the interference of another country. The hon. Baronet had likewise stated that M. Kossuth had asked for the intervention of this country; but he (Mr. Muntz) could assure the House that he had never done any thing of the kind. What he asked for was non-intervention on the part of other countries. In this he (Mr. Muntz) entirely agreed with him, and so did his constituents; because, if when the governors and the governed of a country were at issue, and if when either party had gained an advantage, another nation was to step in and tyrannise over the party which had so gained the advantage, then every Government must soon become a despotism. If Russia, or any other third party, were allowed to interfere in this manner in the affairs of another country, every other Continental State would soon become a despotism, and they would join to make this country adopt the same form of government.

Mr. BAILLIE said, that he did not intend to enter into a discussion of the various topics which had been adverted to in Her Majesty's Speech; but he would make a few observations on the reasons which the noble Lord at the head of the Government had thought necessary to give for the retirement of the noble Lord the late Secretary for Foreign Affairs. He did not exactly understand on what grounds this explanation had been given. Had it been given to satisfy the curiosity of the hon. Baronet the Member for Marylebone (Sir B. Hall), or as an appeal to the judgment of the House? He presumed the latter, and therefore he would take the liberty of making a few observations on the subject. He was bound to admit that he was one of those who had always had the misfortune to differ from the noble Lord (Viscount Palmerston) on the subject of our Foreign Affairs, and therefore his opinion might possibly be regarded as not altogether unprejudiced. Having listened to the statements made on both sides, he must confess that he could arrive at no other conclusion than that the noble Lord had been offered up as a sacrifice for the sins of the whole Administration. If it were true, as was stated in those great organs of the press which supported the Government, that our foreign relations were not in a satisfactory state; that the Government of this country was hated and abhorred by all foreign Governments; that we had not at this moment a single allied friend in Europe except Sardinia, and if all this was to be mainly attributed to the past conduct of the Foreign Office; if it were true that in 1848 our Government outraged Austria, insulted Naples, encouraged and then betrayed Sicily, provoked Spain, excited rebellion in Italy, and in 1850 wantonly attacked Greece, then the noble Lord at the head of the Government was responsible for all this conduct. The noble Lord approved of that policy in the Cabinet, and he supported it in the House. But the noble Lord (Viscount Palmerston) was dismissed from office, forsooth, because, as the First Minister of the Crown had stated, that he was a most able, a most experienced, and a most successful Minister, and that he had taken upon himself, and had the presumption to suppose that he ought to have a knowledge of his own department. That was the head and front of his offending, and it was for such grounds as these that this most able, experienced, and successful Minister had been so lightly spoken of. Was there any Member of the House who believed that these were the real grounds? Was there any Member of the House who doubted what the real grounds were? Was there any one of them who could doubt that, in consequence of the recent changes in France and on the Continent of Europe, the mind of the noble Lord at the head of the Government had at length become convinced that his foreign policy had been a failure, and that, in the existing circumstances of the Continent, it would be dangerous to persevere in it. If it were necessary to offer up the noble Lord the late Foreign Secretary as a sacrifice to the evil genius of foreign despotism, the opinion of the House no doubt would be, that it would have been more just, more generous, and more chivalrous if the noble Lord (Lord John Russell) and his colleagues who shared his responsibility in the Cabinet, had thought proper to accompany the Foreign Secretary in his retirement from office. He (Mr. Baillie) believed that the explanation of the noble Lord at the head of the Government would lead to the impression that he had not hesitated to get rid of a difficulty by the sacrifice of a Colleague, for whose policy he was himself responsible.

MR. GEACH said, he could corroborate what had fallen from the hon. Member for Birmingham (Mr. Muntz) as to the reception of M. Kossuth by the manufacturers. He (Mr. Geach) repudiated the idea that those who extended the hand of friendship to Kossuth were influenced by the fact that he was a republican. He (Mr. Geach) had never heard M. Kossuth say, either in any of his speeches or of the communications he had had with him, anything which could favour the idea that he sought the intervention of this country; on the contrary, he objected to intervention; and if the Hungarians had been left to settle their own disputes, the result would have been very different. He (Mr. Geach) also had to deplore that the hon. Baronet the mover of the Address, should have thought proper to apply the term "upstart usurper" to the President of France, who had been elected in the first instance by 4,000,000, and afterwards by 7,000,000 votes. He (Mr. Geach) had had engagements which had caused him to be a great deal in France since the 2nd of December. He had therefore had many opportunities of gathering the opinions of all classes in that country as to late events; and he could declare that there was an almost universal feeling of satisfaction at the solution of the difficulties by which the people of France had been surrounded. It was not a question as to what would have been abstractedly the best thing, but it was a question of what was the best under the circumstances; and though he should himself have been glad to have seen our neighbours enjoying the same liberal constitution with ourselves, he could not help feeling that in the state in which France had got, they might think themselves fortunate to have escaped the greater calamity which he believed would have fallen on them, but for the course adopted by the President. He did not wish to identify himself in feeling or in sympathy with any absolute Government; but he could not help expressing his opinion, that with regard to the events which had taken place in France, he had come to a different conclusion from that of the hon. Baronet who moved the Address; and as he knew there was a growing feeling of irritation arising in France at the way in which the press of this country treated their affairs, he regretted that the hon. Gentleman selected for the important position of moving the Address, had been so indiscreet as to indulge in remarks tending to increase that irritation.

MR. MONCKTON MILNES thought the noble Lord at the head of the Government would find that the speech of the hon. Member for Inverness-shire (Mr. Baillie) in a great measure represented the opinions of Europe on the subject of the dismissal of the late Foreign Secretary. He believed when the reports of this debate went forth to the public it would scarcely be credited in Europe that upon the mere ground of Ministerial etiquette and discipline a great change had taken place in the Government of this country, and that an important Minister had been summarily dismissed from office. He did not presume to doubt the perfect veracity of all that had been stated by the noble Lord (Lord J. Russell); but he believed that public opinion, both in this country and elsewhere, would see beyond the statement he had made motives and intentions which he had not expressed, and of which he was, perhaps, hardly conscious himself. It might be said that the character and reputation of a Minister were hardly understood until he had lost power; and it was perhaps only when the news of the fall of Lord Palmerston spread throughout Europe that the estimation in with the noble Lord was held was really ascertained. What was the meaning of the universal jubilee of the absolutist Powers of Europe—of the rejoicings of the oppressors, and the lamentations of the oppressed? What was the reason that Lord Palmerston's fall had been regarded as showing the accession of the English Government to the new order of things to be inaugurated in Europe—in which England might perhaps be allowed to keep her Parliamentary constitution and free Government on condition that she did not interfere by word or deed in the affairs of the Continent in general? All these opinions showed the estimate, whether for good or evil, in which the noble Viscount was held on the Continent. He (Mr. Milnes) had always believed that the administration of the noble Lord had been entirely misunderstood and misrepresented throughout Europe. He had found that wherever upon the Continent men were aspiring after liberty, or were by the deprivation of it oppressed, there the name of Lord Palmerston was mentioned with respect and regard by the oppressed and the suffering. In the valleys of Piedmont, in the remote districts of Germany, in the cities of Spain, in all countries and portions of the world where principles of liberty were struggling into birth, the noble Lord's name was recognised with respect—he might almost say with reverential affection; and it was natural that those Powers which represented opinions totally alien from the wishes and desires of the people of England should regard the noble Lord with very contrary feelings. They consequently represented the noble Lord to their people as a sort of hobgoblin—an object of vague terror and evil repute, connecting his name with all kinds of revolution and confusion, to which his spirit was wholly alien, and thus endeavouring to diminish his real and just influence. He (Mr. Milnes) thought, therefore, that the noble Lord at the head of the Government had done great injury to his country by the course he had taken. He wished to speak with all respect of the young nobleman who had assumed the department from which the noble Viscount had been dismissed; but they were approaching times when the country required a practised hand to guide it, and the knowledge and experience of the noble Viscount might have been able to prevent evils which all the abilities of his successor might be unable to prevent. The fall of the noble Lord had not been accompanied by any peculiar demonstration of the improvement of our relations with Foreign Powers, but was coincident with a large demand for the increase of our national defences. He would have much preferred that our defences should have remained in the moral firmness and high tone of statesmanlike dignity which pervaded the administration of the noble Viscount, than in any material accession to our forces. He therefore, as a supporter of the Government, greatly regretted this circumstance, which he believed had weakened the efficiency, if it had not shortened the existence, of the present Administration, because of all the departments of the State, the department presided over by the noble Viscount was the most popular in the country, and the least obnoxious to general objection. The noble Lord at the head of the Government must have seen in the demonstration which took place some eighteen months ago what was the feeling of sympathy entertained for the noble Lord (Viscount Palmerston) on that (the Ministerial) side of the House, and which would follow him into the position of independence he had now assumed. He would only express his hope that the dismissal of the noble Viscount might not be the precursor of other symptoms of weakness and dissolution on the part of the Ministry, which he would sincerely regret.

Lord DUDLEY STUART said, if he had addressed the House, and made observations of a similar nature to those which had been used by the hon. Baronet who moved the Address, he had no doubt the House would say that he was introducing a subject which was not germane to the question in hand, and that in fact he was merely riding his hobby. The hon. Baronet the Member for Anglesey had very early in his speech referred in a disparaging manner to the visit of Kossuth to this country. Now, he thought that the manner in which Kossuth was received by the people of this country, showed that the feelings of all the working and of all the middle classes were in favour of that great patriot; and if the same feeling did not pervade the higher classes, he could only say that that backwardness on their part did them little credit. He could add his testimony to what had been already said by the hon. Member for Birmingham (Mr. Muntz), and the hon. Member for Coventry (Mr. Geach); one of whom said, that he was not supported by the people of this country on account of his advocating republican doctrines; and the other said, he did not call upon this country to interfere in arms on behalf of any foreign country whatever. He (Lord D. Stuart) believed that the people of this country saw in Kossuth, and that they still saw in him, an illustrious man struggling against a barbarous tyranny for the rights of his country; and that as to whether he was a republican or a monarchist, they did not care one straw about the matter. He must say, he could not congratulate the hon. Baronet the Member for Anglesey (Sir R. Bulkeley) on his success in conciliating the liberal Members in the House; and he did not think the Government were obliged to him for the mode in which he had advocated their cause. If the House agreed to the Address, as he believed they would, it would not be from the mode in which that Address was recommended to them by the hon. Baronet. As regarded Parliamentary Reform, the hon. Baronet told them that he abhorred the ballot. Now, he (Lord D. Stuart) believed that on his side of the House the opinion was general that the ballot was a *sine quâ non*, without which there could be no real representation of the people. Then the hon. Baronet talked of the dislike entertained by the middle and upper classes towards the income tax. If he was to understand from that, that the right hon. Chancellor of the Exchequer meant to relieve the country from that impost, that statement would be received with great and general satisfaction. Then, with regard to Ireland, the hon. Baronet used the ominous expression, that it had always been the policy of the Government to maintain Protestant ascendancy in that country. No doubt that had been the practice; but he had hoped that that system was now put an end to, and that Ireland was now to be governed on a principle of complete religious equality. He was therefore not a little disappointed by the speech of the hon. Baronet; but he believed all that had been put out of the heads of hon. Members by the discussion that had since taken place respecting the lamentable change in the composition of the Ministry. He called it a lamentable change, because he saw a great Minister charged with an important department of State for a great number of years, in which he had conducted the affairs of the country with credit to himself and with honour to the country, and in the most difficult times had preserved uninterrupted peace — he saw that distinguished statesman, whose name would go down to posterity as one of the greatest that had ever sat upon the Ministerial bench—he saw him removed from office on what he could not but call the most paltry pretence. The speech of the noble Lord at the head of the Government had been listened to with breathless interest in the House. That speech would go forth to the country, and would be scanned with careful interest not only in this but in foreign countries. What might be thought of it abroad he knew not; but he had no doubt the people of England would say it was pretty clear that the noble Lord at the head of the Government had been desirous to find some excuse for getting rid of his noble Colleague for some reason or other—whether because he was of too liberal principles, or whether because the advocacy of those principles produced remonstrances of a disagreeable nature from foreign Governments, or whether because of that foreign cabal of which the noble Lord spoke in the Greek debate in 1850, or for some other unknown reason—still that it was a foregone conclusion—it was determined to get rid of the Foreign Secretary as soon as possible, and therefore the first pretext that offered itself was taken. Could any man believe that if the Premier had been desirous to secure the services of the noble Lord (Viscount Palmerston) he would have allowed a reason like that to operate for his dismissal? It had been stated by the noble Lord at the head of the Government, that the ground of the noble Viscount's dismission was that he had given an extra-official opinion on a certain subject. But it appeared from the noble Viscount's defence that the Premier himself gave the same opinion—that the right hon. Chancellor of the Exchequer, the noble Lord the President of the Council, the noble Secretary for the Colonies, and the noble Lord who had succeeded to the Foreign Office, all gave the same opinion. This was not contradicted by any of the Ministers, though no doubt they would have done so if that had not been true. Now if the Premier had said the ground of the noble Viscount's dismission was, that he gave an opinion in favour of the proceedings of the President of France, of which the Premier disapproved, then he (Lord D. Stuart) said he would rather go with the noble Lord at the head of the Government. He was intensely anxious that a good understanding should prevail between this country and France—he thought the welfare of Europe depended upon that—he believed, further, that France was the only country with which we could have any real or sincere alliance, for he could put no trust in our alliance with any of the three northern Courts. But, anxious as he was to see that good understanding prevail, he still could not look with complacency upon the conduct of the French President, and the nefarious proceedings that had taken place on the other side of the Channel. It was true that was the affair of the French people; and if they chose to be governed by a despot who had no regard to his oaths—who imprisoned and transported men without trial, and trampled all right and justice under his feet—if they chose to be governed by a ruler of that sort, certainly that was the affair of the people of France, and not one in which the people of this country had a right to interfere. He thought the true course for a British Minister would have been to abstain altogether from giving any opinion upon this subject, and therefore he disapproved, he confessed, of the conduct both of his noble Friend (Viscount Palmerston) and of the Members now remaining in the Government, for he thought much greater caution ought to have been used with regard to approbation of these unjustifiable proceedings. Still he felt that no reason had been given to justify the dismission of the noble Viscount, and therefore he remained convinced that the whole proceeding was a foregone conclusion to get rid of the noble Viscount; he feared it had been done on account of representations coming from abroad, and he was sure it would not be found conducive to British interests.

SIR HARRY VERNEY thought the noble Lord who had just sat down had somewhat misapprehended the effect of the explanations that had been given. He stated to the House that five other Cabinet Ministers had been guilty of the same conduct which had been imputed to the late Foreign Secretary. Now he (Sir H. Verney) understood that the gravamen of the charge against the noble Lord was, not that he had addressed to Count Walewski a verbal approbation of the *coup d'état* on the 3rd December, but that on the 16th December he addressed to our Ambassador a written despatch containing his private opinion of that *coup d'état.* He regretted much the loss which the country had sustained in the services of the noble Lord, because he believed that every man who felt interested in the cause of liberty and of Protestantism must feel deeply indebted to the noble Viscount. Among the first events that have occurred since the noble Viscount left office were, that the efforts of the Bible Society all over the Austrian dominions, and in countries where the influence of Austria is paramount, were stopped, and three Scottish missionaries had been forced to leave Hungary. He did not say that these events had taken place in consequence of the noble Viscount's leaving office; but he deeply lamented that they should have so immediately followed his retirement—that these men should be turned out of the country who had done nothing contrary to the laws, who were living at Pesth as peaceable and good subjects, and under the protection of the British Minister. Still if it were true that on the 16th of December the noble Viscount did write a despatch containing opinions contrary to those of the Cabinet, and conveying to the French President's Minister the sanction of this country and approbation of his measures, although he might certainly have been blameless for his opinions uttered at the first blush of the matter on the 3rd December, yet if he did that on the 16th, it did appear to him that the opinion of the House and of the country would be, that under these circumstances the Premier was justified in his dismissal.

MR. BERNAL OSBORNE said, the noble Lord the Member for Marylebone (Lord D. Stuart) had commenced his observations by some severe remarks on the speech of the hon. Baronet who moved the Address. He thought that whatever cavil might be taken at some expressions which were used by a speaker unaccustomed to address the House, still he thought the House would join with him in an expression of admiration—and a feeling of regret that the hon. Baronet (Sir R. Bulkeley) did not oftener mingle in the debates of the House, in which he was so well qualified to take a part. The course of the debate had been wrapt up, he might say, in one absorbing subject, which would almost make it look like impertinence to allude to any other point. But he felt there were other points which were equally interesting to the country. Mention had been made of the state of Ireland in Her Majesty's Speech, and he was rather surprised that not one Irish Member had got upon his legs to say a word in reference to that allusion. He wished to say a word in allusion to that part of the Speech where Her Majesty said it was not necessary to call upon the House for additional powers. Now, whatever his own opinion might be—and certainly he was not likely to quarrel with Government because they did not come forward to ask for extraordinary powers—he thought the House might consider whether, in the existing state of three counties in the north of Ireland, the present mode of trial by jury was adequate for the repression of crime. At present it was almost impossible to obtain a conviction, for the jurors were afraid of being shot if they returned a verdict of guilty, and therefore he would suggest to the Government whether it would not be wise to import into that country the Scottish system of trial by jury. The Scottish principle he believed to be this, that, except in cases of high treason, a majority of the jurors could convict. There was another suggestion he wished to throw out. He thought the system of offering rewards for evidence was extremely mischievous. He need not say it was unproductive, because those rewards were never applied for; but he would ask whether it would not be better to offer a settlement of land in Australia, for as the law remained at present, no man could take the money, and afterwards remain in the country. He was speaking only of the three counties now under the special commission in the north of Ireland, for he was glad to say that the south of Ireland had never been so tranquil at as the present moment; but the "gentlemen of England who lived at home in ease" could have no conception of the horrors that prevailed throughout these three counties. He would now touch lightly upon the points in debate. He was not, on the one hand, satisfied with what he must call the plausible explanation which the Premier had offered to the House. He looked upon the loss of the noble Lord (Viscount Palmerston) not only as a loss to the Government, but as a great national loss; but he could not, at the same time, entirely approve of the way in which the noble Viscount had spoken of recent transactions in France. As a Member of the House of Commons, representing the great county of Middlesex, he could not go before his constituents if he were to remain silent when he heard a Minister of the Crown, or even a late Minister of the Crown, give a qualified approbation even to the late *coup d'état* in France. He did not want to add fuel to the flame which was already existing in this country; but he would say in the words of a statesman, though used under very different circumstances — the great Lord Chatham—

> "Power without right is one of the most pernicious and detestable things which the human imagination can conceive. It is not only pernicious to the man who holds it, but it is most destructive to the people over whom it is held. It is, in short, *res detestabilis et caduca*."

He concurred in that sentiment, and he

hoped there was not a man present who did not join him. He trusted that matters had not proceeded to such extremities but that in process of time these differences might be healed, and that the noble Viscount would again join the Government of which he was such a distinguished and leading Member.

Mr. ROEBUCK said, he should be sorry if this debate arising out of the Speech delivered from the Throne passed with only a simple personal explanation. That Speech had travelled over a great variety of subjects, embracing almost every interest of the country, and after this statement, which the Chief of the Executive had made to the great council of the nation, he thought it unworthy of them that their discussion should turn wholly upon the question, why one nobleman had thought proper to dismiss another? But he desired, before touching farther upon that subject, to bring out of the discussion they had heard, some sort of moral, if he might so express it, as to the peculiar position which the Government was now in. It was admitted by the noble Lord at the head of the Government himself, and it was felt by every man in the country, that the position of affairs at home, in the colonies, and abroad, was in the highest degree critical. At the moment when they in England were on the eve of great administrative changes, there was a great want of energy, of firmness, of knowledge, of capacity, even in our common domestic administration, in addition to which we had in every colony discontent bordering on disaffection, and in some actual war; while on the Continent of Europe liberty was stricken down — representative government almost entirely abolished—despotism everywhere triumphant, and nothing in Europe which was not at the will of the persons in power there; and in England they were trembling, not with fear, but with anxiety, lest the peace of this great country should be invaded. Surely this was a time when they ought to scan narrowly, if not with severity, the power and capacity of those who were charged with the destinies of this country. It was at this critical period that the most marked person in the Administration—he around whom almost all the party battles of the Administration had been fought—whose political existence had been made the political existence of the Government itself—the person on whose being in office the Government rested their existence as a Government, was dimissed—their right arm was cut off—their most powerful arm was taken away, and at the critical time when it was most needed. He asked, what was left in the Government that should induce the House to support them? How did he judge of that Government? He judged of its future by its actual past. All now remaining, from the Prime Minister down to his most insignificant follower, he would call upon to answer for their acts to their country. The noble Lord's Government was, he thought, founded on a most unwise policy: the system of his administration, as far as its formation was concerned, was that of a mere family party, while the just interests of the country were forgotten. The noble Lord seemed to select the faces with which he was most familiar, and the friends with whom he was most conversant, surrounding himself with those who no doubt were most near and most dear to him, but whose promotion was of little importance in comparison with the interests of this country, whilst they did not seem to know what was required. Dealing as they were with a representative government, the feelings of the representative body were of the highest importance. Now, he would ask any man in that House who had been in it for two or three Sessions past, if in reality there had existed a Government in that House? He wanted to know whether any one plan propounded by the noble Lord had been carried through; whether he had really had power over the House to carry, as a Minister, his measures through the various stages, so that there should be a unity of conduct, a firmness of purpose, and an understanding as to the principles that were to be enforced? He had seen the noble Lord commence the Session with a long parade of proposed measures, as in the last Session, which had fallen aside ignominiously. Take the subject of law reform: after having thrown abroad unreservedly his opinions to the country, the noble Lord had been unable to guide or control a single proposition. Had they not brought in one proposition after another, and no sooner brought them in than been frightened with their own work? In our colonies all was confusion worse confounded, and proposition after proposition was made apparently only to be abandoned. Turning again to those departments of the Government which depended on a knowledge of the ordinary rules of administration, he asked the right hon. Baronet at the head of the Admiralty, if the whole machinery of the administration of that board was not disgraceful to the country. We could not send a ship to sea to take a few hundred men to the Cape colony, but the vessel stopped at Plymouth, because it was so ill-found that it could not go on. [Sir F. BARING: Hear, hear!] He was sure the right hon. Gentleman would set him right if the statement he made was erroneous—[Sir F. BARING: Hear, hear!]—and as the right hon. Gentleman seemed prepared to explain that circumstance, he (Mr. Roebuck) would mention another subject for him. He referred not only to the last steam-ship despatched from this country with soldiers to the Cape, but also to a transport that previously made a voyage to the same destination, and not having three months' provisions on board, was obliged to stop a vessel in her way, in order to obtain a supply. These were things of mere written engagement, matters which a common clerk ought to be able to perform, and yet it appeared that the Admiralty was unequal to the task. They could not build a ship but they thought it requisite to cut her in two afterwards; and, in fact, from the beginning to the end of their arrangements, it was clear that a complete, searching, practical inquiry was needed. He asked if, in the annals of England, there was anything more disgraceful to us as a great and powerful nation than the Kafir war? Our proceedings throughout the whole matter had been disgraceful. In the first place, injustice attended our entrance into that country. Injustice having been perpetrated, it might have been expected that we should at least have profited by our own misdeeds; but instead of that, the pit of disaster into which we had sunk appeared to be unfathomable. It was said that there were 10,000 of our troops at the Cape at present, and certainly it was as fine an army for the number of men as England could furnish, and no doubt we should find by and by, in the increasing estimates, not for national defences, but colonial expenditure, what it had cost us to send them there. What was begun in injustice had been continued in imbecility, and at the present moment hundreds of colonists we had sent out were left unprotected, in danger of life, exposed to all the horrid cruelties which the savages of those regions could perpetrate, neither security nor comfort being known to them, whilst the natives ranged unchecked and uncontrolled, from one end of the colony to the other, and outrages, spoliation and devastation reigned triumphant throughout Kafraria. Why was this? The discontent of the colony was itself created by the Colonial Office; but had they done what was their duty, and abstained from first alienating the colonists, sending out at the same time the constitution as they desired, they might have told the colonists to take care of themselves, in the full confidence that they were well able to do it. They would then have had no call for such a material of war; the colonists would have been able to protect their own interests, and England would not have been called upon for this large outlay. He wanted to know why that colony had been kept in hot water for the last two years? Had they allowed the colonists to govern and protect themselves, it would have been unnecessary to interfere with them. Then there were the whole Australian Colonies in the same state; they accepted the constitution given them exactly as he said they would—as a means of enforcing more, and the constitution given to them had been the means of creating and keeping up discontent, instead of allowing the inhabitants to exercise their powers of self-government. At home the whole administration of the law was in a state of great disturbance; and he asked if it was fitting for the Government to throw the subject abroad, and leave private individuals in that House to take it up? Nothing was so mischievous as to keep the law in a constant state of change. Even if they improved it, the mere fact that they were keeping it in constant change was a great evil. One of the most important parts of the subject was the administration of the law, and at present the whole administration of the courts of judicature might be said to be in a state of dislocation. What was Government about to do on this great subject? Had they any comprehensive view—any great scheme? or did they mean, as in times past, to allow Gentlemen to bring in Bills to improve the constitution and procedure of the courts, and then leave them to their fate? There was no more fruitful source of legislative failure than the inadequate preparation of the measures, and the utter want of method or arrangement for that object. It should be the duty of a great officer of State, under an enlightened Administration, to review the comprehensive whole of the law and its administration, applying to the details his master-mind and all his extension of views, instead of their having the mischievous and perpetual meddling with the law which they had witnessed in the last Session. On the whole, he was justified in saying that the noble Lord (Lord J. Russell) had not manifested any great degree of capacity in his office; but they were told that there were no others to take the Government, and that the Gentlemen opposite could not do so. He was quite willing to throw himself on the noble Lord; but at the same time he must express a hope, that for the future some well-matured scheme would be laid before them, and that such important changes might not be left to Gentlemen who were only trying their hands at legislation. There was one other important subject to which he wished to refer. The Foreign Affairs of this country were a matter of the most delicate concernment. He should be sorry if any expression of his could have the effect of adding to the dangers which he saw around; but though as a Government and a Legislature they were not called upon to express their opinion upon the changes that had occurred abroad, yet as individual Members of a representative assembly, perhaps the most important in the world, he did not think they were travelling beyond the bounds of their duty in expressing in plain though guarded language their solemn disapproval, if not their indignation, at the extraordinary occurrences they had witnessed during the past year. In dealing with this matter, it was his fixed opinion that they had to deal with a man whom no sanction held. He might be told that there was no danger of disagreement between France and England after the revolution was settled; but he who could forget the most selemn obligations to his own countrymen was not likely to be troubled with scruples in dealing with others. It was clear that he would only consult his own interests in matters that regarded ours, and we should do wisely to be on our guard, not in any way whatever showing the most distant approbation of his proceedings, but following out strictly the rule we had laid down to ourselves not to interfere in the affairs of foreign nations and Governments. With the person himself we had nought to do; we saw his acts, and the dangers likely to result from them. He should be sorry to throw his countrymen off their guard on this subject, though at the same time he should be very sorry to create an unhealthy panic, fancying that we were about to be made the victims of an unlooked-for invasion, when at the same time all that was required at the hands of Government was calmness, prudence, vigilance and caution.

Mr. NAPIER was anxious to ask attention for a very few minutes to that portion of Her Majesty's Speech which related to Ireland, because he did believe that when that portion of the Speech was read in Ireland it would be received with disappointment and dismay. One part of the Speech relating to Irreland had reference to those three counties in the north where the recent murders had been committed. Within the space of two or three years there had been nine cases of murder and attempts at murder, and in no one instance, as yet, had there been a conviction for these desperate attempts. A special commission had been issued, and for the first time in his (Mr. Napier's) experience, that special commission had proved an abortion. They read in the Speech that the attention of Her Majesty would be directed to this most important subject; but in the meanwhile, whilst they were theorising on this question, and considering what had best be done, a reign of terror prevailed, and the most estimable persons lived in constant dread of seeing the sanctity of their families invaded by the midnight horrors of merciless assassination. Now, he had said from the first, that the remedy for this state of things was not to be sought in any Parliamentary magic, but in every man doing his duty honestly; and the most important thing to be done was to give the protection of the law to every one, and to bring all offenders to summary and condign punishment. A special commission had been issued by the Government of Earl Grey with the most distinguished success; but the present had proved quite abortive, and for reasons which he was not at liberty to go into; first, because the hon. and learned Attorney General for Ireland was not present: and, secondly, because, until the commission was brought to a close, it would neither be proper or constitutional to enter into any minute account of the circumstances. He wished, however, to point out to the House that these attempts were not directed merely against the gentry; the farmers were also the object of them, and one of the first of the murders that took place was that of a small farmer, named M'Taggart. When the first Ribbon Act was passed, it included provisions making penal the possession of pass-words, secret signs, &c. But in the Act passed last Session, those provisions had been omitted, although under those provisions most of the convictions had taken place. What had been the consequence? Why, in Antrim a nest of these conspirators, who had been discovered with all the signs and pass-words, had escaped, and been discharged. Nor was this all; for twenty-two others, who had, conscious of guilt, retired from that part of the country, returned. Thus the peaceable inhabitants were left at the mercy of these robbers—the law was powerless to protect them. Why, the Government had actually shrank from exercising their legal right of setting aside jurors. The prisoner had the right of challenging peremptorily twenty jurors, and of course exercised that right to the utmost; while the Government declined to exercise the right—for fear, forsooth, of the odium which might be incurred through exercising it for the purposes of justice and for the protection of life. And so noon-day murderers escaped conviction, and went abroad free. In one case the party accused had been let out on low bail, and escaped to America. If Parliament did nothing, the lives and property of the loyal would be at the mercy of assassins and conspirators. It was idle to talk of the amendment of Ireland while life and property were unsafe; and he called upon the Government to demand the powers necessary to execute the law. The Chief Justice of Ireland had justly said that if the law were executed, it would be sufficient; but a law not executed was as bad as one insufficient. There must be a sufficient law, sufficiently executed; and the Government must show itself determined to grapple with this dreadful system of crime, and resolve to put it down.

MR. ROCHE said, that the fearful murders alluded to by the hon. and learned Gentleman who had just resumed his seat, were as abhorrent to him as they could be to anybody, and he was ready to consent to almost any sacrifice to put them down; but he could not agree with the hon. and learned Gentleman as to his remedies, which, if they were anything, meant that the Government should try again a system of coercion. Depend upon it, that broken reed would fail them, and they never would be able to cure the evil by coercive measures. It was agreed on all hands that the causes of these outrages arose out of the relations of landlord and tenant, and he could not exonerate the Government from all blame in reference to that question. In 1849 they brought in a Bill to settle the question of landlord and tenant, and by doing so admitted all the evils of the present state of things; but towards the end of the Session they abandoned that Bill. In 1851 the same thing occurred, and the question still remained unsettled. It was, therefore, to the Government that the country owed the much-condemned proceedings of the tenant-league. The Queen's Speech alluded to a new Reform Bill for England. He should be glad to know if its provisions would be extended to Ireland? The noble Lord might say that he gave Ireland a new franchise last year, and that therefore he (Mr. Roche) had no right to ask for Ireland to be included in the new measure. But the state of things under the new franchise was most anomalous, For instance, the constituencies of the thirty-two counties of Ireland numbered altogether 135,245 voters, and they had only sixty-four representatives, while the twenty-three boroughs (he omitted Cork, which of itself had more than 2,000 electors, from the calculation), with 5,349 electors, had twenty-three voices in that House. That of itself was a sufficient reason why Ireland ought not to be excluded from the Bill of the noble Lord. Whilst they had counties with 8,000, 10,000, and 13,000 electors, they had boroughs with one hundred and fifty and even only seventy electors. Nothing could be more monstrous than such a disproportion between the constituencies of boroughs and counties. What could tend more to promote corruption and misrepresentation than to retain the small borough constituencies in Ireland? He thought, therefore, that there was an ample case shown for extending any Reform Bill which might be introduced for England to Ireland. The mode of conducting Irish business in that House imperatively called for amendment. The present custom was to hang up Irish Bills during the greater part of the Session, and then, just at its conclusion, one-half of them were abandoned or partially carried out. The Medical Charities (Ireland) Bill was cut in half last Session, and, if he might be allowed the bull, the worst half given to Ireland. He would propose that they should have one night in the week for the discussion of Irish business, instead of prolonging the custom of discussing their provisions at one o'clock in the morning. He would not allude to other matters of a general nature, but he would express a hope that there would not be a return to the old system of coercion.

MR. DISRAELI: I am unwilling, Sir, to assent to the Address to the Throne without making a few observations. I know that it is by no means agreeable to make any comments on the first night of our meeting on an Address to the Crown, on which no Amendment is offered. The subjects are so interesting, they are so various, they are so universally engaging, that nobody really thinks that it is anybody's business to attend to them; and everybody is convinced that, in the course of the Session, legitimate opportunities will be afforded of discussing in detail the programme of questions which the Government places before the House on what is really not the least important night of our meeting; and then it often happens that we are afterwards told by a Minister, if we oppose some of his propositions in the course of the Session, that the House is pledged by the unanimity with which they assented to the principle on the first night of the Session — an assent of which no one is conscious. Therefore, I am rather disposed at all times, although the office is not an agreeable one, not to pass by without observation the Address, though no Amendment is brought forward which naturally arrests the attention and secures the notice of the House. There certainly is to-night a reason why I think it scarcely respectful either to the Government, or to other great personages, to pass unnoticed the, if not unprecedented, at all events interesting and remarkable, scene with which the opening of this Session of Parliament has been ushered in. Sir, I have always observed, in an experience of the House of Commons, which, I am sorry to say, now begins to be longer than I care to recollect, that if it be the fortune of an hon. Member to make an inquiry of a Minister, he is in general not very successful in eliciting any particular information; and I am bound to say that I do not think that the hon. Member for Marylebone (Sir B. Hall) has to-night proved a particular exception to our general experience. The hon. Baronet gave due notice of his intention to address an inquiry to the First Minister on a subject of imperial interest. The First Minister has responded to his inquiry, and has been replied to by a statesman scarcely less eminent. The personages were considerable, the subject important, and the audience were the assembled Commons of England. But as far as I can come to a conclusion, after listening to this performance, I must say that it appears to me to be a Downing-street eclogue, and, as far as we are concerned, no reasons were given or any information imparted that could account for circumstances so remarkable, and a catastrophe so sudden. The First Minister did, indeed, impart one most interesting piece of intelligence. He gave the House one of the chief rules by which he manages his Cabinet. The First Minister told us that on the important occasion which, with due notice has engaged our consideration to-night, that he did not consult his Cabinet, because, if they had given their opinion, it might have been considered a cabal. A very extraordinary reason, indeed, for the First Minister not consulting his Cabinet! Why, we have heard some not very judicious comments made to-night on the conduct of the present Ruler of France; but he seems to have acted on much the same principle as the Prime Minister of England. He has not consulted any one—he has acted on his own impulses; he also felt that opinion, however expressed, ought to be treated as a cabal. Sir, notwithstanding these remarks of the noble Lord, I think we are bound, after the scene which has taken place, to express our opinion on what has passed. As far as the displacement of the noble Lord the late Secretary of State goes, it has always been my lot, and I have always felt it my duty, to oppose the political system represented by the noble Lord in this House. But I never refrained, under any circumstances, from doing justice to the noble Lord; I have never for a moment supposed that he was justly subject to those absurd and strange imputations sometimes circulated respecting him; I always believed him a faithful British Minister. I have always believed that the great object of his policy was to maintain and vindicate the honour and the interests of England. But I thought that, unfortunately for this country, the means by which the noble Lord sought that object, were very often means absolutely adverse to the result he wished to accomplish. But I have never severed the noble Lord from the policy of the Cabinet. When that great debate took place, some twelve months or more ago, which involved a direct impugn-ment of the policy of the department over which the noble Lord presided, I, for one, repudiated the idea that you could consider the transactions of the particular Minister dissociated from the policy of the complete Cabinet. I endeavoured to consider the policy of the Cabinet myself in that way. I am perfectly willing to acknowledge that the First Minister on that occasion candidly came forward to take his share of the responsibility of that policy. I well remember how that great controversy occurred; It was introduced in another place by a noble Friend of mine, and afterwards in this House. The step taken by that noble Lord (the Earl of Derby) was supported by various sections not acting in political community; and I remember what were the charges made by the First Minister against those who thus took part in that debate. We were called conspirators; we were, for expressing our opinion on the policy of the Government, held up to public reprobation, as being the instruments of a foreign cabal; and I was myself pelted one afternoon when I was coming down here to express my opinion, and to give an honest vote; and that was because Her Majesty's Ministers had denounced us to the public as being the instruments of a band of conspirators. I understand that, up to the present moment, the Government are still the champions of that policy which we then challenged. I understand, from what has passed to-night, that in no respect does their policy vary from what they then defended and adopted; and I am bound to say that if this policy, which I believe to be a pernicious policy, is to be pursued, I had rather it were administered by the noble Lord than any other person I can see upon that (the Treasury) bench. I always thought that that policy would lead to the inconveniences and injuries which I understand that it has led to. If that policy is to be administered unchanged and unmitigated, I had rather have it administered by a man whom we all recognise to be able, and in whose panegyric all his recent colleagues join. If indeed the noble Lord the First Minister would come forward to-night and tell us that experience has taught him that he was rash in adopting that policy, and pursuing it in the spirit which he did; if he would say to us, "We have found our policy has left us isolated in Europe;" if he would say to us, "We found ourselves at a critical moment without an ally, and it was necessary to take steps which should place England in a more secure position,"—we should at least receive assurances from Her Majesty's Ministers which would be agreeable to the nation. How far their conduct to their late Colleague might be justified, would be an affair entirely between them and their consciences. I must make one other observation upon the speech of the First Minister. The noble Lord, eminent for many things, is peculiarly eminent for his constitutional spirit—for his acquaintance with the forms as well as the spirit of our constitution; and I make no doubt that he well considered the statement which he made to-night. But I am bound to say that I cannot at this moment recall any analogous occasion in which the name of the Sovereign was so frequently and peculiarly used. Whatever was done at the command of the Sovereign was at least done on the responsibility of the noble Lord; and though it may be expedient that Minutes should be read to this House, which, we are informed, were drawn up by a Personage whose name is rarely introduced in our debates, I must express my astonishment at the narrative of midnight despatches which were the cause, as I understand—though I may have misapprehended the noble Lord—of conduct on his part of a very urgent, not to say a precipitate, nature. Now, I suppose that for everything which has been done, the noble Lord the First Minister is responsible, and the noble Lord the First Minister is not a man to shrink from his responsibility; I am at a loss, therefore, to comprehend how the noble Lord will account for that introduction of Her Majesty's name—that frequent and unnecessary introduction—which has taken place in the debate of to-night. As I am one of those who never could have voted for that famous Motion in this House, that "the power of the Crown had increased, was increasing, and ought to be diminished;" as, in fact, I should be willing to hail as a fact the converse of that proposition; and as I think it one of the great misfortunes of our time, and one most injurious to public liberty, that the power of the Crown has diminished—I am not one likely to look with an unnecessary jealousy on the assertion of the prerogative of the Crown. But the noble Lord is the eminent representative of a political party that has adopted opinions of a very different character. The noble Lord is a member of the party which introduced, as I think to our disgrace, that resolution upon the Journals of the House;

and certainly, therefore, I am astonished that the noble Lord, on an occasion like the present, should have come forward, and, as it seems to me, have shifted from himself a responsibility which, under the circumstances, he should have been the first to adopt.

Sir, in examining this remarkable document, the Queen's Speech, I am under the necessity—rapidly, I trust, certainly not with any intention of wearying the House—of adverting to several topics. It is singularly composed. The subjects are various; the localities are different, and are introduced not in a geographical manner. We pass from Indus to the Pole with a rapidity that I have seldom seen rivalled. I shall solicit the attention of the House for a moment to nearly the last paragraph in this State paper. We are told by the Speech recommended by the Ministers from the Throne, that "it appears that this is a fitting time for calmly considering whether it may not be advisable to make such amendments in the Act of the late reign relating to the representation of the Commons in Parliament as may be deemed calculated to carry into more complete effect the principles upon which that law is founded." Now, Sir, without offering any opinion upon the necessity or non-necessity of what is called Parliamentary reform, or of any degree or kind of Parliamentary reform, I am bound to say that I cannot agree in the statement that this appears to be a fitting time for the calm consideration of this question. It may be a subject which should engage our attention; it may be a subject which a Minister, from a variety of reasons, may feel it his duty to bring forward; but when he asks the House of Commons to agree to a statement that this is not only a fitting time for considering such a subject as a reconstruction of this House, but for "calmly" considering it, it is impossible not to stop at expressions which I think are inapposite, without asking the House whether they can allow such an expression to pass unchallenged? Now, I must say, that at a moment when, as we heard to-night, the Continent is at least in a most critical state, when the noble Lord himself has told us that the whole aspect of circumstances, as regards the possession and exercise of the franchise in foreign countries, has been singularly changed within the last few years, disappointing or confounding the expectations of all men; at a moment when experience has failed, and experiment has distracted us, although it may be necessary to consider the question of Parliamentary reform, I cannot think that this is a fitting time for calmly considering it. Sir, I shall give no opinion on that question to-night. I shall listen with attention, and of course with interest, to the noble Lord when he favours the House and the country with the reasons which have convinced him that the immortal measure which he not only introduced, but devised, in 1830, has failed to attain those objects which he then supposed that it would accomplish. I shall listen with attention and interest to the noble Lord when he lays down the principles on which he thinks, after twenty years' experience, a new Reform Bill should be established. I shall listen with attention and interest to the noble Lord when he explains to the House how all those anomalies in our representation of which we are sensible may be removed; many of these anomalies, perhaps, rendering our system of representation as practical as we find it to be. I need not say that there is no Gentleman—I believe that I am authorised to say that—on this side of the House who is not ready at any time to consider any means of remedying any flagrant abuse; that there is no Gentleman on this side of the House not prepared to supply any well-proved deficiency in our representative system. I say even more. I, for one, and I believe also that I express the opinion of my friends, I am not one who holds that an increase of the franchise is synonomous with an increase of democratic power. I shall consider the proposition of the Minister entirely without prejudice. I shall with interest watch the Whig critic on the Whig law. The noble Lord can hardly suspect that on our side there is any superstitious feeling in favour of the Reform Act. The noble Lord can hardly suppose that on this side there is any bigoted and inveterate prejudice in favour of the law that was constructed to destroy the Tory party. But I remember a time when it was said that the test of political purity and political efficiency was a sincere adhesion to the Reform Act; when it was said that no Gentleman who sat on this side of the House could ever be entrusted with Royal confidence or with political power, in consequence of his opposition to the Reform Bill. And I remember that when an eminent man sitting on this side of the House, on behalf of a great party expressed their sincere adhesion to a change which they had as sincerely opposed, it was said, "Nobody can trust them—the Reform Act is a law with which they can never sympathise; it is the new Magna Charta of our liberties—"the Bill, the whole Bill, and nothing but the Bill." You cannot trust the men who opposed it." My answer to that will be the speech which we are on an early night to be favoured with from the author and critic of the same memorable act of legislation. While I express on behalf of myself and my friends a most sincere feeling on our part to receive without prejudice any proposition of the noble Lord which he may think fit to bring forward, I at the same time must express a sentiment which I took occasion to give utterance to last year, that if I find, that in the name and under the guise of a Reform Bill, only a reconstruction of this House which is to favour the predominance of some political party—which without that change cannot govern this country—is intended, I shall oppose, and I believe the whole country will oppose, all devices of that kind. If also, Sir, I were to find it a measure the object of which was to destroy, or even to disturb, that just and salutary balance which at present exists between the various classes of the country—if I find it, for example, a measure devised to impair the legitimate and salutary influence of the landed property of the country—if not the only, the surest, source of conservative government—the only security, as I believe, both for the prerogatives of the Crown and the liberties of the people—the fear of no imputation of being an anti-reformer would prevent me from giving to such a Bill my determined opposition. But, Sir, giving Her Majesty's Ministers full credit for the intention of bringing forward a measure which sincerely desires—even if the means may not be adequate to the occasion—which sincerely desires the public weal, I can promise them on our part an earnest and a careful attention. But, Sir, I hope that both sides of the House will be at least cautious in this respect, that they do not let the subject of Parliamentary reform, captivating as may be the plea, divert them from subjects of as great, if not greater, importance. I hope that at a time when many departments of the Administration and of the State are challenged for their inefficiency —at a time when other great questions concerning the country require our attention—I hope the House will not, on the plea of Parliamentary reform—the old exhausted plea of Parliamentary reform—be prevented from giving its attention to those questions which so earnestly and so commandingly solicit its consideration.

Now, I will take up this Speech. It is a colonial Speech. I am not aware, in my limited experience, of a parallel instance to it. I find no less than two colonies specifically mentioned in Her Majesty's Speech, and at considerable length. Is Parliamentary reform to prevent us from inquiring into the Kaffir war? Is Parliamentary reform to be an answer to us if we humbly wish for some explanation of the singular passage on the constitution of New Zealand? Let me call the attention of the House to it. We have been so lost in the personal and interesting discussions of this evening, that our attention has, perhaps, been diverted from this remarkable paragraph. If there are colonial reformers in the House now, I beg their attention to this extraordinary passage. We are informed that the Act of 1848, suspending a portion of the previous Act conferring representative institutions on New Zealand, expires early next year; and we naturally suppose that the colony of New Zealand—the Act of Suspension being about to expire—is to enjoy those institutions which it has been long promised. "I am happy to believe (Her Majesty is advised to say) that there is no necessity for its renewal (the Act of Suspension), and that no obstacle any longer exists to the enjoyment of representative institutions by New Zealand." Now that will be most satisfactory to those who have been the supporters of representative institutions in New Zealand. And what other inference could we draw from this paragraph than that, the Act of Suspension being about to cease, and being informed by the Crown that it is not to be continued, the inhabitants of New Zealand, of course are to enjoy the representative institutions which were suspended by that Act? But what is the next sentence:—"The form of these institutions will, however, require your consideration; and the additional information which has been received since the passing of the Act in question, will, I trust, enable you to arrive at a decision beneficial to that important colony." So that in fact, though you are in a pompous manner informed that the Act suspending the constitution will cease, and is not to be continued, you at the same time are told that the constitution is not really to be enjoyed, but that you are to be called upon to consider what the representative institutions that have been suspended shall be. Well, will you consider them? Will you allow Parliamentary reform to prevent you from inquiring into that comparatively humble yet very important question? Are you prepared to do that which the country, I believe, wishes you to consider quite as much as the constitution of this House—are you prepared to consider the whole subject of the relations between the mother country and the Colonies? You may rely upon it that you can no longer with impunity postpone that inquiry. Year after year your attention has been called to it by Gentlemen zealous and well informed on this subject, who have scarcely been able to command a House on the question. I need not refer to the hon. Baronet the Member for Southwark (Sir W. Molesworth). I do not agree with all or with many of his views and principles with respect to colonial administration; but no one can deny that he never addresses the House on that subject but in a manner which ought to command our attention and deepest consideration. Well, you have destroyed the ancient colonial system of England: you have destroyed it in deference to the dogmas of political economists and of abstract inquirers. I do not believe that the country itself really ever approved of that destruction. It did not certainly take an active part in opposition to it. The country has been perplexed and bewildered. I ask you to give no opinion now, and I am giving none, on the merits or demerits of the system you destroyed; but this, Sir, I wish to urge, that while we have destroyed the old system, we have never established a new one. We have never distinguished between imperial duties and municipal rights—we have never settled any of the great questions on which the material prosperity of our colonies depends. We went on in the infancy of the change with cautious experiments, until five or six years ago we had an illustrious and avowed colonial reformer who took the seals of office; and what has been the consequence? A Kafir war. I must say, that as the noble Lord has such a talent for getting rid of a Secretary of State, I wish he would try his hand at another Secretary of State. Let him take a hint to-night. The noble Lord is a bold and an adroit man. He can finish such a business with a rapid dexterity which very few of us can rival. If half Europe was kept in alarm by the Secretary of State whom he recently discharged, I can tell him that all our Colonies are quite terrified at the other.

Sir, in taking up this remarkable document, and having travelled with it from Sleswig-Holstein to Germany and Denmark, the Cape of Good Hope, Ireland, and New Zealand, I was struck by a strange omission in the Speech, to which I beg the House's attention. I dare say, even in this age of rapid events, the House can scarcely have forgotten the circumstances under which it assembled last year. The noble Lord had written a letter, as he has written a letter now, and as he always writes a letter, about the latter end of the year; but that letter was published. It must still be fresh in the mind of the House and the country—a letter of passionate patriotism. The noble Lord appealed to the deepest sympathies of the country on a subject, not only of grave, but, I might say, of eternal interest. The noble Lord announced to the people of England that there had been an insolent and insidious aggression upon the Sovereign and the realm of England. Sir, I was not one of those who objected to that letter of the noble Lord. I regretted that there were expressions in it which hurt the feelings of large bodies of Her Majesty's subjects, and which, for aught I know, may have been misapprehended by them. It is enough that the noble Lord explained those expressions; and the noble Lord is not one whose truth, under any circumstances, I would question. But remember that that letter was addressed virtually to the people of England. Remember the purport of that letter. Remember what it announced—to what sympathies it appealed, and what result it was pledged to. Remember the effect it produced on the country—one not equalled by the Reform Bill of 1830, with all its factitious excitement, and certainly not likely to be equalled by the Reform Bill of 1852. There were no hired agents going about England to stir up the passions of the people into a response to the letter of the noble Lord. There were no messages between Downing-street and Birmingham and Manchester. There were no organised committees; but the indignant conviction of the nation, alike in the proudest city and the humblest hamlet, answered that letter of the noble Lord. It was quite clear, then, that a Minister who took a step like that, was not justified in taking it unless he had resolved to act upon it.

Talk of the noble Lord being a bold man, because he dared to turn out one of the Members of his Cabinet! Why, he was ten times a bolder man when he told the nation that the Pope of Rome had committed an insolent and insidious aggression on their Sovereign. Well, it may be that the noble Lord acted from impulse—from the impulse of a high-spirited and generous gentleman as he is. He may, in a moment of indignation, have done that which was rash, but which he might fairly have believed that the feelings of the people and of the Parliament of England would sustain him in doing, even if it was not mechanically wise. But it was not a rash act. The noble Lord had three months to ponder on his course. The noble Lord met Parliament. He came forward and addressed us and the country in an oration equal to the occasion, sustaining his great reputation and not unworthy of his noble cause; he gave to the nation the reasons that had induced him to take that singular, that unexpected, that startling step, which for three months had agitated, without exaggeration I may say had disturbed and agitated, every hearth in the kingdom. He came to this table and told us that he had not acted in haste or in passion. He made what I at the time ventured to describe as the most important statement that had for years been made by a Prime Minister of England. He gave us the solemn conviction of the Cabinet—of that Cabinet of which the noble Lord the Member for Tiverton (Viscount Palmerston) was a Member—that there was an organised conspiracy against the Protestant liberties of England and of Europe, and that he was determined to baffle the conspirators, and to look to the people and the Parliament of England, without respect to parties, to support him in his endeavours. With this conviction, and not acting from impulse, but from the statesmanlike conclusion of a man worthy to lead this empire, the noble Lord gave us the convictions of his Cabinet, and brought forward the measure which was to meet this all-surpassing emergency. I will not make any observations now on the measure of the Government—a measure that was heralded by the memorable letter of November—a measure which was introduced on the deeply-considered, elaborately-matured, and most important declaration of the Premier of England. I voted for that measure; for there were no other means of expressing, even in the most nugatory manner, the feelings of the House of Commons on the subject. But I ventured then to denounce that measure as paltry and inefficient, as one the least calculated to cope with the exigency, as one the least worthy of the cause and the man ever devised and brought forward in Parliament. I, on the part of many with whom I have the honour to act, ventured to express the principle upon which such a measure ought to have been founded. I said, the measure proposed by the noble Lord asserted and vindicated no principle—that it did not bring the hierarchies of the Roman Catholic Church in the United Kingdom within the grasp of the law. The noble Lord, however, notwithstanding his portentous announcement that there was, according to the conviction of his Cabinet, a conspiracy throughout Europe against the Protestant liberties of England, the noble Lord persisted in his measure. I did not doubt the statement of the noble Lord at the time. I am sure that no man in the position, with the character and the abilities of the noble Lord, could in his place in Parliament have made such a statement to the country, unless he was profoundly convinced of its truth. I am sure that on that occasion, instead of exaggerating, he placed before the House and the country, I should say, the calmest expression of what his Government felt. Well, now, I ask the noble Lord what has been the fate of the Bill which he persisted in carrying through Parliament? Has it vindicated the outrage which was offered to our Sovereign and Her kingdom? Has it punished the insolent aggression? Has it baffled that great European conspiracy against the realm of England and the Protestant faith? Why, we all know that it has been treated with a contumely which cannot be expressed, and with a derision which I think it merited. We know that, from the first, in Ireland it was publicly announced that it would be treated as a dead letter. But we may be told that Protestantism is weak in Ireland—that the language of men in Ireland is always to be regarded with peculiar consideration—that it was never intended to check in that country an indulgence in these illegitimate pranks—but that the honour of England at least has been vindicated—that the great Cardinal has been put in the position which he deserved. But the great Cardinal, whom the noble Lord recommended, in a manner which I think was scarcely as dignified as his usual tone, to quit England, has not quitted England, and I find him advertised in the newspapers, in the exercise of his official duties, as the Lord Cardinal Archbishop of Westminster. And I have had other instances brought under my notice which prove, not only that the law has been evaded, but that it has been as flagrantly set at nought in England as it had been in Ireland; and that recently, freshly, just as Parliament was going to meet, just as if they meant to show before Parliament met again how determined were the bishops of the Vatican to give a response to the law and letter of the noble Lord. Well, but I see no mention of all this in the Queen's Speech—no notice whatever of that which formed so prominent a part of the Royal Speech last year—nothing about the insolent aggression, or the insidious conspiracy which it was our duty to baffle, and which were the great topics of interest last year. Not a single syllable about all this. Surely, with regard to such an omission, I may ask the noble Lord what the intentions of the Government are? Do they mean—as the only measure they have adopted has failed in accomplishing their object—do they mean to have recourse to some other measure? Do they mean to propose some new law to Parliament in place of that which last year we were told was not only necessary but indispensable? Is it found that the aggression was not insolent, and that there was no conspiracy against the Protestant faith? If so, the noble Lord is bound to give us the information on which he has changed his opinion. It is a subject on which he is bound to speak frankly to the people of England. Has anything occurred to induce him to believe his letter of last November twelvemonth rash and ill-advised? In his place at this table, in the most solemn manner, after opportunity for the deepest consideration, the noble Lord informed this country that it was in the knowledge of the Cabinet that there was a conspiracy against the Protestant faith and liberties of England. Has the noble Lord discovered that he was mistaken? Until the noble Lord comes forward with that information, I, like others, must form my opinion from those means of public instruction and private information that are open to all. I don't see anything in the occurrences of Europe to convince me that Rome is less ambitious, that the designs of the Papal Court are mitigated, or that the Vatican has experienced such humiliating defeats that it no longer means to claim this realm of England, which the noble Lord last year told us it aspired to? Every place where the influence of Rome can be traced, we find her not only successful but paramount. What is her conduct in Ireland, or in England, or what course does she adopt in other countries? Everywhere we find success and supremacy. If the noble Lord was justified last year in sounding the tocsin in the national ear, how does it happen that on this occasion he does not think fit, either by intimation from the Throne, or in the speech of the Minister, to say anything on the subject? I think we have a right to press upon him, and to inquire in a manner that cannot be mistaken of Her Majesty's Ministers, what they see at present to change the mighty convictions which filled the public mind during the last year? The noble Lord said he would confine himself to-night in his first speech to the personal question; but, instead of confining himself to the personal question, the noble Lord has traversed not only all Europe and Asia, but America too. There were not the politics of a single Court, nor the relations with a single country, that the noble Lord did not touch upon and enlighten the House, with one exception—that very Court of Rome which last year he said had committed an insolent aggression on the Queen, and engaged in a conspiracy against our liberties.

As to the subject of Ireland, I am not going now to enter into any discussion upon that unhappy country, which I am sure, ere long, will elicit our consideration. It appears that some counties are the scenes of outrages of the most serious description. I must say, I am extremely disappointed in what has occurred in Ireland, and at the necessity for introducing in Her Majesty's Speech this paragraph. Considering the interest Her Majesty's Government take in the cause of "law and order," and considering that one Member of the Government has expended a considerable sum out of his own pocket to secure "law and order" in that country, it is extremely disappointing to England, and mortifying to the House of Commons, and must be most astounding to Lord Clarendon, that after so judicious an investment he should find so many counties in a state that almost requires a Coercion Act. That is a subject on which we require some information. That investment of capital, if confined to the private revenue of the Viceroy, is one that for his sake I regret, but if it were a public investment for public objects, certainly the Queen's Speech seems to prove that it was a sorry one.

There is another point that I cannot but notice, and that is the absence from the Queen's Speech of any expression of sympathy with the difficulties of the cultivators of the soil. Two years ago these were noticed without being acknowledged—last year they were sympathised with without being relieved. Notwithstanding some slight mitigatory circumstances, I am not aware of any change of such importance in the condition of the cultivators of the soil as would authorise a Minister who had established the precedent of noticing the state of their fortunes, in omitting them from the Queen's Speech this year. It might be a question, with the peculiar opinions of the noble Lord and his colleagues, whether it was originally expedient to make that acknowledgment and offer that sympathy which he has done on more than one occasion; but having established that salutary precedent, I think the noble Lord is bound to inform us what are the reasons why this omission has occurred, as well as the omission of any notice of the Ecclesiastical Titles Bill. Notwithstanding, I repeat, some petty and mitigatory circumstances, I believe there is still the same strain upon the energies, and the same drain upon the capital, of the cultivators of the soil. That has been occasioned by our legislation, and as we have occasioned it by our legislation, we are bound to consider whether by our legislation we cannot remedy it. I am told there is a slight rise in prices—an extreme free-trader just now told me so with great exultation. I expected to see him in sackcloth and ashes—yet it appeared that he was exulting. How gentlemen who advocate cheap bread can congratulate the country on a rise of price, is a problem which requires economical science to solve. That ingenious paper the *Economist*, has always a cheerful article to prove that a rise of price is inevitable. For my part, I never consider the question of price in the view of this subject. Have as free an exchange of commodities as you please, but take care first that you place the British producer upon terms of equality with those with whom he has to compete; take care that your legislation does not oppress him with burdens which he alone bears, and beneath the weight of which he must inevitably sink. I observe to-day a new edition of a treatise upon taxation, written by one of our most eminent writers and an unmitigated free-trader. I was anxious to see what were his views now about the agriculturists; for, however inveterate his opinions on particular points, his works are well worthy the attention of all who take an interest in political economy; and I found there a remarkable admission. Taking a calm review of taxation as it affects the cultivators of the soil, Mr. M'Culloch having explained, with his wonted ability, the Act of 1846, consummated in 1849, expresses in 1852 his opinion that the cultivator of the soil is subjected to unjust taxation—which no other class of the community shares, which is peculiar to him—and to injurious restrictions on his industry; and, taking into consideration our vast and artificial system of finance—feeling that it is impossible to adjust that taxation with absolute equality, or to terminate those restrictions, with a due consideration to our revenue—Mr. M'Culloch gives it as his deliberate opinion that the proper, just, and scientific means by which a fair adjustment can be arrived at, are countervailing duties; but, he adds, just as these duties would be, the opportunity for applying them has been lost, and the cultivators of the soil, in the present temper of the country, must submit to the injustice which is oppressing them. That is the political morality of a political economist. If the data of Mr. M'Culloch be correct, I say the consequence that he draws from them is an immoral consequence, and I say that the legislation that is founded upon them is an immoral legislation. If it be the conviction of Parliament that any class of producers is subject to unjust taxation, and are subject to it that another class of the community may be benefited by that taxation, they act immorally in upholding that system. It is confiscation in another guise—it is robbery under the *formulæ* of political economy. Remember what this class is which, for the last three or four years, has been so severely suffering, and is now so severely suffering. Who are these farmers whom Gentlemen opposite seem to hold so light? Why, they are the largest employers of labour in the United Kingdom. The farmers of the United Kingdom are the most numerous and the most important portion of the middle class. I know there may be some of my friends, who, remembering the insolence with which they have been treated by a section of the middle class flushed with unexpected success, may naturally not be indisposed to triumph at the present altered position of the middle class throughout Europe. They recall the arrogant tone in which we were told that this country was in future to be governed by the middle class, and that too by the adversaries of class legislation. But I warn them, with great respect, not to indulge in this natural feeling of triumph, and to forget the headstrong assumption of what, after all, was only a limited section of the middle class. The power and the prosperity of the middle class are inseparable from the greatness of England; and the most numerous portion of it is peculiarly represented on this side of the House. For my part, I owe my seat to the middle class: the farmers of England sent me here, and therefore I protest against unequal laws which impair their fortunes. I ask again, are you prepared to go on with this system of injustice, to strain illegitimately the energies and to drain unlawfully the resources of the most important producing class of the community? If it be true that you have put unjust restrictions on their industry, and inflicted upon them taxation that no other class experiences, is it not your duty to remedy such evils? And if you cannot relieve them from restrictions they find so injurious, and from taxes you acknowledge to be so unjust, you should, in the construction of your financial system, give them that countervailing compensation that is their due on a fair consideration of the subject.

Last year we were told that the country generally was flourishing, and that our foreign commerce was vastly increased; but it is a remarkable circumstance, that in the Queen's Speech this year we have no paragraph congratulating the House of Commons on the general prosperity of the country. Is it at length suspected that exports at a ruinous sacrifice, pushed out in order to pay for imports merely speculative, is not exactly a profitable commercial exchange? If the present system be carried on by failures amongst the commercial body that have not been equalled since the year 1847, you must remember this, that you are at the same time diminishing the commercial capital of the country as well as the agricultural. If it be true that in Liverpool alone the merchants have lost of their capital nearly 7,000,000*l.* sterling, it follows that if our commercial and agricultural capital are both thus dilapidated, the employment of labour must be diminished, and the loss must ultimately fall on the working classes. Is this a time to encourage in the country the war of class against class? I am not going to enter into any of those high discussions of policy which the noble Lord in his first speech this evening so lavishly indulged in. I am perfectly willing to believe that no danger is at hand, and that the world will continue to be governed by the principles of peace, though we are going to increase our armaments and call out our militia; but no one can deny that not only in this country, but throughout Europe, there is a feeling of apprehension. Who are to sustain us if we are exposed to war and peril? We are told by our national poet that so long as England is true to herself she has no need of apprehension; but is England true to herself when, under the plea of terminating class legislation, an unjust war is waged upon one of the most important classes of Her Majesty's subjects? Is England true to herself when she makes one body of the producers of the country look upon another body of the producers as enemies? I see no very felicitous results of your new system in the circumstances around us. I see the cultivators of the soil, year after year, after all the exertion of energy and the sacrifice of capital, growing poorer and poorer. I see a list of bankrupt merchants, and secret societies of amalgamated mechanics. I see classes arrayed against each other; and, I ask, what are we to do if our condition becomes one of perilous isolation? If we find against us, whether on political grounds, or, as the noble Lord told us, from religious sentiment, all the national antipathies of Europe, where is there the appearance of that united England that was the boast of our forefathers and the bulwark of the country? No political system can be sound which has resulted in circumstances so menacing and ruinous. The noble Lord is about to reconstruct our constitution. May he be more fortunate than in his first enterprise! Twenty years of reform have left this country in circumstances which no statesman can disregard—an internal war of interests, and a total want of sympathy between the different classes of the people. The noble Lord will be a greater statesman than I give him credit for being, if on the ninth of this month he shall propose a measure which will terminate that domestic strife of classes which at present prevails, and which I hold to be most perilous.

Mr. GRATTAN was sorry that he could not offer his congratulations to the noble Lord at the head of the Government for the manner in which the government of Ireland had been carried on under his Administration. During the five or six years of a Whig Ministry, the middle classes of the people of Ireland had been driven from the country, and poverty had spread through all ranks. The noble Lord, in alluding to three counties in Ireland, had stigmatised the inhabitants as assassins. Now, why did he not bring some proof of that charge? He had not alleged one tittle of evidence in support of his accusations; but he had merely succeeded in showing the exceedingly ill manner in which the country was governed. The Roman Catholic population were compelled to support the Protestant clergy. The Protestant Church of Ireland was a great and crying injustice, and ought to be immediately abolished; and the case was made worse by the system of proselytism that was going on. Ireland required to be governed by maxims of common sense, and not by setting its different classes at war with one another.

Lord JOHN RUSSELL: Sir, there are some few points which have been mentioned in the course of the debate, on which the House, perhaps, will allow me to offer some explanation. In the first place, I wish to allude to what has fallen from the noble Lord the Member for Tiverton, and to state what has occurred with regard to some approbation that I was supposed to have expressed as to the acts of the President of the French Republic. Now, the question did not turn on any conversation between one person and the other, because, as I stated at the commencement of this debate, if the noble Lord had written to the Marquess of Normanby to say that what had passed was to be considered as having occurred in familiar conversation, there would have been no difficulty in the matter; but the noble Lord has not taken that course, but has adhered to what he then said. Having heard of this matter, I took the opportunity of asking the French Ambassador whether he could tell me what passed in the conversation which I had with him; and the answer which I received was, that he had only a vague recollection—that I might have said that I hoped the President would triumph over anarchy, but that I had not used any phrase expressing a direct approbation of the conduct of the President. My right hon. Friend the Chancellor of the Exchequer does not recollect having expressed any such opinion. [The Chancellor of the Exchequer: Hear, hear!] The hon. and learned Member for the University of Dublin (Mr. Napier), in referring to the state of some parts of Ireland, has asked why the Government has not proceeded to introduce at once a measure on the failure of the Special Commission? The answer to that is, that the proceedings of that Special Commission are not yet concluded; and in the next place, until we have before us an account of the trials, and the opinions of the Judges upon them, it would be exceedingly premature to bring in a Bill to alter the present state of the law. The hon. Member for Buckinghamshire (Mr. Disraeli) has spoken at some length on the subject of the Ecclesiastical Titles Bill of last year. I do not wish to revive the controversy as to whether that measure is or is not sufficient for the occasion. My own opinion is, that the measure is sufficient for the occasion—that it aimed at the mischief it sought to remedy, and that it would be very unwise to extend it beyond that mischief; and when the hon. Gentleman asks what that Act has done, my answer is that it has done the utmost any Act ever proposed to do, because it has prevented the acts it was intended to prevent. I asked my right hon. Friend the Chief Secretary for Ireland, only this morning, whether he believed the Act had been violated; and my right hon. Friend informs me that he believed the Act had not been violated. The offence sought to be remedied by the Act was not the offence of calling some one or other archbishop or bishop of any particular place, but the offence consisted in certain persons taking upon themselves these titles; and I believe that the apprehensions of the Act having been violated are fallacious, and that it does not appear that the Roman Catholic bishops have thought it became them to commit any such a violation of it. As to further legislation there is one circumstance which I think important, and which gives me hope that it will not be necessary to have recourse to further legislation on the subject, and that is, that a great portion of the most intelligent of the Roman Catholics of Ireland are determined to carry on the system of mixed education, and to allow their sons to go to the Queen's Colleges and to promote national schools. As to the agricultural part of the hon. Gentleman's speech, I can only say that, although it has been frequently said, and the hon. Gentleman himself has frequently argued, that the landed part of the community are suffering great injustice, he has never been able to persuade the House that it is so. With respect to the countervailing duty which Mr. M'Culloch said the landed part of the community ought to have, the hon. Gentleman's opinions might have some weight; but I think also, that Mr. M'Culloch had some reason on his side when he said that the time had been allowed to go by when a fixed duty on foreign corn might have been accepted by the Legislature of this country. In 1841 the present Earl of Derby treated with the greatest scorn a proposition for a duty of 8*s*. on foreign corn, and said over and over again that to propose such an insignificant protection was an insult to the agricultural interests of this country, and that they never would submit to so low a duty; and yet in 1851 the noble Earl stated, at a meeting at Merchant Taylors' Hall, and at other places, that he expected a great triumph —that they would have success in their endeavours, and would attain the object they all desired. And what was that object? A fixed duty of little more than half what he had formerly rejected. With respect to what has fallen from the hon. and learned Member for Sheffield (Mr. Roebuck), I readily admit that the House can at any time declare they will withdraw their confidence from the present Ministers of the Crown, and that there are others whom they may think more entitled to their confidence, and who, they believe, will carry on the Government more for the welfare of the country. If the House should so decide, the present Ministers will be ready to bow to that decision; but in their present position they hold they had nothing more to do than their duty with respect to the different subjects they they might from time to time bring before Parliament, and be ready to bow to the decision of Parliament upon them. Of this I am sure, that after the time they have held office, there is nothing so requiting or delightful, there is nothing belonging to office to induce them to be unwilling to submit at once to that decision. All I ask now of the House is, not at once to carry the measures I have mentioned, but that, if they are disposed to support the present Ministers, they will enable them to carry on the Government for the benefit of the country, and that they will make full provision for that purpose. As to the observations of the hon. and learned Gentleman as to the system of conducting the Government, I think it is hardly worth the while of a person of the ability and station of the hon. and learned Gentleman to adopt such jargon as he has referred to. The noble Lord the present Secretary for Foreign Affairs has shown considerable ability in the other House of Parliament; he has conciliated great goodwill by his manner of conducting the business which has devolved upon him, and it would be absurd to suppose that it is because my great grandmother was the sister of the noble Lord's great grandfather, that the noble Earl has been appointed to his present office. I do not know that I need now enter into the explanation of any other relationships. There is, it is true, a connexion of mine who holds the office of Lord Privy Seal, and that noble Lord has held office under Lord Grey and Lord Melbourne; but it would be rather hard if it were forbidden to all those who are connected with me, by marriage or otherwise, to fill any position in the Government of the country. These, however, are trifling matters; and although they might be fair subjects for comment, the real question is whether the persons who fill public offices are or are not competent for the posts which they occupy. If the House thinks them competent, and will extend its confidence to them, they will endeavour to discharge their duty in carrying on the Government of the country; if otherwise, it is desirable that the House should at once come to a decision upon the point.

Colonel SIBTHORP strongly condemned the commercial policy of the Government. He said he must attribute a considerable portion of the depression in trade to the Great Exhibition of Industry in the past year. There was but one opinion—and it was universal—as to the gross insult which had been offered to the merchants and tradesmen of this country by the wholesale introduction of foreigners and their wares which had taken place in consequence of the Exhibition; and, for his own part, he would not for a thousand guineas enter the walls or approach within smell of the unwieldy, ill-devised, and unwholesome Castle of Glass.

The Speech which the Ministers had put into Her Majesty's lips was a mass of trickery, trash, and trumpery. It was they who were responsible for the sentiments it contained, and he sincerely hoped that the Queen would speedily escape from their fangs.

Mr. WHITESIDE said, he must deny the assertion that the hon. and learned Member for the University of Dublin (Mr. Napier) had said that it was necessary to have a Coercion Act for Ireland. On the contrary, the hon. and learned Gentleman said the ordinary law of the land would be sufficient to repress all outrages existing there, provided it were properly administered. He (Mr. Whiteside) could bear his testimony to the fact that the law was not properly administered in Ireland. He had been nineteen years on the Northern Circuit, and at no period within his memory had the three counties of Armagh, Monaghan, and Louth been in a more disturbed state than at the present time. The arm of the assassin was firm and strong; the arm of justice was paralysed. All he asked was, that the law might be so administered by sincere and conscientious men that the lives of honest people should be protected, and due punishment be made to overtake the guilty.

Sir GEORGE GREY said, that the language of the Speech was perfectly correct in stating that the outrages were confined only to certain districts in the counties of Armagh, Monaghan, and Louth. If the hon. Gentleman meant to impugn the conduct of the Irish Government by saying that there had not been an honest and zealous attempt on its part to put into force all the powers which were vested by the law in the Lord Lieutenant, he (Sir George Grey) would be quite ready to meet him upon that point on a future occasion, and to demonstrate that the assertion was utterly incorrect. The hon. and learned Gentleman was mistaken if he supposed that the Speech contained any statement to the effect that the Government might not hereafter deem it necessary to meet the prevalence of crime and outrage in Ireland by powers of an extraordinary character. The Government hoped that the powers of the existing law would be sufficient for the punishment and suppression of the evil; but if they should be disappointed in that expectation, they would have no hesitation in applying to Parliament for more extensive powers.

Question put, and *agreed to.*

Committee *appointed,* "to draw up an Address to be presented to Her Majesty upon the said Resolution:"—Sir Richard Bulkeley, Mr. Bonham Carter, Lord John Russell, Sir George Grey, The Chancellor of the Exchequer, Mr. Labouchere, Sir Francis Baring, Lord Seymour, Mr. Attorney General, Mr. Solicitor General, The Judge Advocate, Sir William Somerville, Mr. Cornewall Lewis, Mr. Hayter, Mr. Baines, Mr. Parker, and Mr. Bernal, or any five of them.

Queen's Speech *referred.*

The House adjourned at a quarter before One o'clock.

HOUSE OF COMMONS.

Wednesday, February 4, 1852.

WOODS AND FORESTS REPORT for 1851.

Viscount DUNCAN wished to put a question to the noble Lord the First Commissioner of Woods and Forests (Lord Seymour). In explanation, he should observe that the annual Report of the Commissioners of Woods and Forests to Parliament had generally received the signatures of all the three Commissioners; but the last report of July 30, 1851, had received only the signatures of two out of the three Commissioners. He asked, therefore, if all the three Commissioners concurred in sanctioning all the statements made in the last annual Report, and placed in the hands of Members of Parliament in December of that year; and if so, why that Report had been signed only by two instead of three Commissioners. He wished, in fact, to know if the Report had been submitted to Mr. Kennedy, and had his concurrence?

Lord SEYMOUR wished first to correct his noble Friend as to the title he had given him (Lord Seymour), namely, the Chief Commissioner of Woods and Forests. In consequence of the separation of offices by the Act of last Session, he was no longer Chief Commissioner of Woods and Forests, though he still continued Chief Commissioner of Works and Buildings. With respect to the signature of the Report by two Commissioners only, his noble Friend might have been aware that it was not necessary for all three Commissioners to sign any Report to the Treasury. Two signatures had always been sufficient, though he would readily admit that it was usual for all three to sign the Reports before they were presented to Parliament. In this case, however, Mr. Kennedy had not signed the Report, and for this reason, that he was not a member of the Commission until nearly six months of the year to which it referred had elapsed, and therefore, of course, it was not reasonable to make him, further than need be, responsible for the Report, with which he had very little to do, having just resigned the former office he held in Ireland. He had, however, as the noble Lord would see, signed the account of income and expenditure at the end of the Report; and this was, in fact, the essential part of the Report. With respect to the other point, whether or not the Report was submitted to Mr. Kennedy, he believed there were some passages in the Report in which Mr. Kennedy did not perfectly coincide; and on that account, and as he had very little to do with the arrangements, it was thought unnecessary to call upon him to sign the Report.

Viscount DUNCAN would then give notice, that on Thursday week he should move for any minutes of papers which would explain the reason why Mr. Kennedy had abstained from submitting his signature to the annual Report of the 30th of July, 1851.

THE AFFAIRS OF THE CAPE.

Mr. ADDERLEY begged to ask the Under Secretary of State for the Colonies whether a petition had been received at the Colonial Office from Inhabitants of the Cape to Her Majesty, praying Her to refuse Her assent to Ordinances passed by the reconstructed Legislative Council previously to proceeding with their new Constitution; also, whether he will lay copies of all such ordinances immediately before this House? He also wished to know whether a petition had been received, praying Her Majesty to expedite the construction of the Constitution, and to refuse Her sanction to any alteration, on the part of the Legislative Council, in the constitutional Ordinances; and whether there would be any objection to produce such Ordinances, together with any resolutions for altering them which might have been passed.

Mr. F. PEEL replied, that a petition signed by two persons had been received, praying Her Majesty not to sanction any Ordinances, except such as were necessary to carry out the constitution. There would be no objection to lay copies of the Ordinances on the table. The other petition to which the hon. Member referred was included in the papers on the table.

Mr. ROEBUCK asked whether the two persons who had signed the petition were not the chairman and secretary of a public meeting?

Mr. F. PEEL said, he knew one was chairman of Cape Town Assembly, and the other a commissioner of Cape Town; but he was not aware whether they signed on behalf of any public bodies.

METROPOLIS BUILDINGS BILL.

Mr. BERNAL OSBORNE said, perhaps the noble Lord the First Commissioner of Works and Buildings would be good enough to inform the House what course he intended to take with respect to the Metropolis Buildings Bill, laid on the table at the close of last Session, and whether he intended to persevere with it?

Lord SEYMOUR said, he had brought in the Bill with the view of obtaining the opinions of the public regarding it; and he meant again to introduce the Bill in the present Session, in order that it might be referred to a Committee, with the view of obtaining such information as was not to be procured in any other way.

NEW METROPOLITAN MARKET.

Captain FITZROY wished to know if the right hon. Gentleman the Secretary for the Home Department could state what proceedings were intended to be taken under the Act of last Session, in reference to the construction of a new cattle market for the metropolis in place of Smithfield? He believed that the interval of six months allowed by the Act of last Session before the choice should be made, had now expired?

Sir GEORGE GREY begged to state that, on the 29th of January, the day before the expiration of the six months allowed by law, he had received formal notice from the Corporation of London that they desired to undertake the formation of a new metropolitan market, and to defray the expenses incidental to such formation out of their corporate funds.

Captain FITZROY wished to know whether another Act would be necessary?

Sir GEORGE GREY said, he had no reason to believe that the Corporation would apply for any new Bill, so far at least as powers for holding the new market were concerned. The Act gave certain powers to the Commissioners that Her

Majesty was empowered to appoint, and it was provided that, if the Corporation accepted the option of carrying it out themselves, those powers should be transferred to them. Of course an Act would be necessary for the purchase of a site for the market, because the late Act did not provide for that.

THE STANDING ORDERS.

Mr. CORNEWALL LEWIS moved the usual Sessional Orders.

Mr. SPEAKER accordingly read them *seriatim*.

On the Order respecting Votes in Committee of Supply,

Mr. HUME proposed to add to the Standing Orders, "and that no Vote for money be taken in Committee after midnight." During the last four or five Sessions a practice had gained ground of money being voted when the House was almost empty, at a period when nobody expected that any question of importance could possibly come on. It was not so much the fear of abuses being committed under such circumstances, which would be checked in the presence of a larger number of Members, which induced him to make this proposition, as the fear of the appearance it would have with the country, if they adhered to their ordinary course in this matter. He was anxious that a fixed rule on this subject should be laid down and adopted, because it was extremely inconvenient, when the money votes came on, for any man to rise and oppose a vote. When the Tories were in office for twelve or fourteen years, he had never allowed a single farthing to pass after twelve o'clock. He had been blamed for relaxing his insistence on that rule; and, thinking that equal justice should be done to both parties, he hoped the House would agree to his proposal.

Question proposed, "That those words be there added."

Colonel SIBTHORP most cordially agreed with what had fallen from the hon. Member for Montrose. He had seen public money voted away when only fifteen Members were present, and some of them asleep on the benches. He thought, therefore, it was high time that some step should be taken, and he, for one, would always be happy to oppose any attempt at abuse in this respect by Ministers.

Mr. CORNEWALL LEWIS trusted the House would not agree to the Amendment of his hon. Friend. He was afraid serious inconvenience might ensue if they laid down an inflexible rule that no vote of public money should be taken after twelve o'clock, and he did not think that any inconvenience had been experienced from the present practice such as would justify them in laying down such a rule. The usual course was, that no money votes were moved by Government after twelve o'clock. Occasionally it might happen that a few votes were taken after twelve o'clock; but that was done only with the approbation of the House, and when any strong objection was taken they were withdrawn. Under these circumstances it seemed hardly advisable, after so many years experience in Committees of Supply, to apply this inconvenient restriction by a sessional order. With respect to the complaint of his hon. Friend (Mr. Hume), that votes were often taken when forty Members were not present, it was only necessary to remark that it was competent to any Member who objected, to have the House counted, and it would then be impossible to proceed with the vote.

Mr. HUME said, that no doubt cases might occur which it would be desirable to treat as exceptions to the general rule which he wished to be laid down, and then the standing order could be suspended, as in similar instances.

Amendment, by leave, *withdrawn.*

Another Amendment proposed, at the end of the Question, to add the words, "and that no new Vote for Public Money, if opposed, be taken after twelve o'clock at night."

Mr. BROTHERTON supported the Motion. He stated at the same time, that as he could not expect that if the House negatived the present Motion they would agree to that which he had given notice (that the Speaker should leave the chair at twelve o'clock), he would not in that case bring forward his resolution.

House *divided*:—Ayes 64; Noes 146: Majority 82.

Main Question put, and *agreed to.*

THE QUEEN'S SPEECH—REPORT OF ADDRESS.

The Report of the Committee appointed to prepare an Address in reply to the Speech from the Throne *brought up* and read.

Mr. HUME said, that upon the previous evening he was unfortunately unable to make any remarks upon the Address, as in consequence of the state of the atmosphere in the House he was obliged to leave it at eleven o'clock. He wondered what the Sanitary Board were doing that they did not consider the health of Members of Parliament, for he believed that there was no place worse ventilated than that House, while there was none so situated that more danger would arise from Members going out from the heated atmosphere. He did not know whether any register was kept of the heat of the House, but everybody about him was exceedingly oppressed on the previous evening. It was indeed an unsatisfactory result if they had paid a million and a half for a House too small to hold them, and too hot for them to remain in. Not satisfied, too, with heating the inside of the House, the architect had placed lamps outside the windows to light up a set of figures like the red lion of Brentford, and some which seemed to be monstrosities such as had never been known. Whether that was the taste of the Woods and Forests or not, he did not know. He had no objections but two to these monstrous figures — these daubs most disgraceful to the eye—one, that they kept out the daylight in the day; and the other, that in the night, a light being kept on the outside, the air was rarefied and thrown back into the House, and thus its temperature was most unpleasantly elevated. The lamps with which the House had been filled were certainly unique, and were said to be in the style of the middle ages; but why we should go back to that time, and not profit by the experience we had since gained for the improvement of our lamps, he could not tell. But he did entreat Her Majesty's Government to take the management of these affairs into their own hands. Two years ago he had moved that Mr. Barry should be removed from the conduct of the building, in the same way as Mr. Nash had been removed from the building of Buckingham Palace. From the moment that was done all went well, and the expense was kept within the estimate. The House ought not to retain an architect who was changing his plans from day to day; and now that after all the delays that had taken place they had got into the House, it looked more like a county court than a hall calculated for the Commons of England. He did hope that if they were to be squeezed into its narrow limits, they might at least be supplied with cool air. He would also submit that the plan adopted in drawing for Members to go to the other House required some alteration; for the present plan evidently had not answered the purpose desired either last year or on the previous day. As the architect had built the other House not capable of receiving the House of Commons, he would submit that when it was again necessary that they should go up, it should be ascertained how many Members the space below the bar of the other House would contain, and that they would then choose by lot who should accompany Mr. Speaker, and that they would thus avoid the race which took place on the previous day. The passage, which was floored with marble and tiles, was a source of great danger on such occasions; and indeed he feared that, unless great caution were used, some hon. Member might receive injury from a fall on its smooth surface. There was very little which he could object to in the Speech; but there were some deficiencies which he wished had been filled up. In former years the noble Lord at the head of the Government had had a difficult task. He had found himself supported very unwillingly by his former friends, with a strong opposing force against him; and he had, therefore, been obliged to take measures to steer, if possible, between these two parties. He (Mr. Hume) did not, therefore, expect from the noble Lord any great promises, especially as the promises made in former years had not been fulfilled. At the same time he must say that the country looked up to the noble Lord for those improvements which were capable of being made in our representative system, at a time when general contentment prevailed, and those changes could be made with great propriety and safety—changes the effect of which would be to improve our institutions, and to make the House of Commons a full and fair representation of the Commons of England. It was on that ground that he thought the noble Lord had acted wisely in giving notice of his intention to introduce a measure for the reform of the representation; and he believed that the noble Lord would carry out well the duty which he had undertaken. No man in the House knew better than he what were the principles of the British constitution, nor what would give satisfaction to the people; and he (Mr. Hume) therefore hoped that the noble Lord would induce his friends to support that which he deemed fitting. The hon. Mover of the Address in a very fair, distinct, and manly speech—and one that did him great credit—had stated his views in regard to the extension of the suffrage. In his opinions respecting the franchise, he (Mr. Hume) hoped that the noble Lord (Lord John Russell) coincided. He, for one, desired no more than what the hon. Baronet had stated was in his opinion a desirable extension. He was sorry, however, that the hon. Mover objected to a measure which he (Mr. Hume) considered necessary to put an end to bribery and corruption. Without protection to the voter, the extension of the suffrage would not answer the purpose which every person anxious for the prosperity of the country should desire. He was sorry to see that a large class of influential and rich men did not give that support to the extension of the suffrage that they should do. It was possible that many persons might suppose that he (Mr. Hume) and others went too far; they might be afraid of overturning that constitution which had stood so many trials, and which, he trusted, would stand still greater trials, if necessary; but he (Mr. Hume) felt convinced that every proprietor of property, and every individual who desired to see peace maintained in the country, ought to take measures while contentment existed in the country to do that which is just and right to the working and middle classes of the country, and not wait until it was demanded by the force of public opinion. Those who contributed to the taxes ought to be placed in a situation where they would have a share in the enactment of those laws and the granting of those taxes that are necessary for the existence of the State. He dreaded the consequences that might occur if a mass of discontented artisans should by any possibility, under a change of circumstances, be deprived of employment. He remembered what had occurred in 1842 and 1843, when half a million or three quarters of a million were driven out of work. To what did they direct their attention? Immediately to the defects of the public institutions. Looking to the conduct of those classes during the Exhibition of the Crystal Palace, was it fair and just to say that men who could conduct themselves with so much propriety were not entitled to have the suffrage, or to be placed in their proper position as citizens of the State? At present they were without a voice in the representation; and what interest could they have in a Government that gave them no share of power, but took the money from their pockets, and expended it without giving them any share in making the laws by which they are governed? Younger men than he was might live to witness changes in their commercial system that would bring back a period equally lamentable and injurious to the working classes as the years 1842 and 1843. Let the noble Lord now prepare for the storm by giving to every individual who contributes to the poor-rates and pays direct taxes, and can be recognised as a taxed householder, privileges that will distinguish him from the vagrants who have no stake in the country. Let the noble Lord enlist under the banners of the constitution those who are now excluded from any portion of the representation. Let the noble Lord take one of the great manufactories in Leeds or Manchester, where 400 or 500 skilled artisans are employed, and he will find that scarcely one man in a hundred of that class has a vote. Could it be expected that an individual so situated, when the time came, would take an interest in supporting their institutions? Promises had been made to them in other matters which were not carried out; but he hoped that in this case there would be a just extension of the suffrage, and due protection given to the voter in the exercise of it. He hoped to obtain from the noble Lord much more than he had foreshadowed, for it was protection against the mob that was wanted, as well as protection against the rich. He must express his regret that the promises which had been held out that the colonial system was to be changed, and self-government given to the different colonies, were not fulfilled. The Session passed over; there was an Order in Council with regard to the Cape, and everything he could wish had passed the House; but what was the use of its passing the House when the Minister for the Colonies prevented them from being carried out? There was not one of their Colonies, so far as he knew, that was not at that moment dissatisfied and discontented. He regretted that the noble Lord, in the Speech, had stated no intention of carrying out his general colonial reform. He had noticed only New Zealand, and he (Mr. Hume) conceived that this notice of one alone meant that it was the only colony where he intended to carry out a measure of reform. In Australia and other Colonies reforms were necessary, and combinations had occurred in different places to effect that object. Therefore he regretted that the noble Lord had not thought fit to introduce some paragraph in the Speech promising the reform which in former years it was stated should be granted. They should also have had a paragraph in the Speech recommending the carrying out of free trade. He admitted that the agricultural interest had grounds for complaint, not because they had protection taken from them, but because, when protection was taken from them, they had a right to expect the removal of protection from all classes. That had not been done. He recommended hon. Members to look to the returns laid upon the table of the House last Session, which showed all the protective duties that remain. It would be seen that upwards of 400,000*l.* a year were still levied as protective duties, inconsistently with the pledge that had been made by Sir Robert Peel, and the statement of the noble Lord himself. All these restrictions ought to be removed, and the landed interest ought to have all the benefits they were entitled to. He considered the continuance of the income and property tax as the means by which Her Majesty's Government would be enabled to remove all this protection. The income and property tax, properly levied, and not as heretofore, unjustly and unfairly, were necessary to enable the Government to remove the restrictions on manufactures, and to place them on the same footing as the agricultural interest. He looked upon the removal of all restrictions upon the commerce of this country, both agricultural and manufacturing, as of vital importance to the welfare of the country. He could assure the noble Lord that he would not carry out the wishes and plans of Sir Robert Peel, or his own promises, if he did not take measures for the removal of the restrictions that exist upon many articles. The country gentlemen and owners of property in this country would have to pay their share of the expense of 100,000*l.* or 200,000*l.* a day for continuing the war in Kafraria. When he (Mr. Hume) proposed, last year, to give the inhabitants of that colony the management of their own affairs, the noble Lord at the head of the Government replied to him that he did not think it right to grant them a constitution until the war in Kafraria was at an end. In what position were they now? It was said they must send 10,000 men to the Cape, and they might send 20,000 men there, and not succeed in consequence of their mode of proceeding. They must employ the inhabitants of the Cape, who were ready to assist them if they were allowed. And why were they not allowed? Because the Colonial Secretary refused to do so. The consequence was that the Kafir War would not only take away the whole of their surplus revenue, but they would be obliged to levy fresh taxes. They should get rid of that war, if it were only for the purpose of being ready in case of an emergency elsewhere. He must repeat the expression of his disappointment at the measure which the noble Lord had allowed the Colonial Secretary to carry out. He saw no chance of a change of policy, and only saw a prospect of the continuation of an expense that would drain the country of its resources. With respect to another question that had been referred to, namely, their position with respect to France. What, he asked, had they to do with the French people and the French Government, except to maintain the peace, amity, and good feeling that has existed between the two countries? What could drive many people to entertain an idea that France was about to invade this country after the kindly and friendly intercourse that had taken place last year in consequence of the Exhibition here, and the reception of the English in Paris? What had arisen to create alarm? There was a large number of persons who lived by the supply of necessaries for the Army and Navy, and it was on that account attempts were made to persuade the people that an invasion was likely to take place. He hoped there would be no increased charge for military purposes, and no such charge would be necessary if the Army and Navy were properly reformed. He had no hesitation in saying that the military force of the country was fully sufficient. There was a return showing that 185,000 men in arms, not including the Navy, were supplied with clothing from the Ordnance Department. Before they had agreed to an increased expenditure of a farthing, he would like to see the reforms adopted which the noble Lord and his colleagues had recommended, but had never carried out. The Duke of Wellington, it was said, opposed all changes; but was he to continue those abuses in the Army which ten years ago he had condemned? They should not be terrified by bugbears. He would not believe that the President of the French people, after the experience he had acquired in England, did not value, and would not adopt, every means in his power to preserve the alliance with England. The statement of the noble Lord, that the

Government of this country feel nothing in common with those alarmists, would, he hoped, reach him. With regard to what appeared about the President in the English press, he (Mr. Hume) would only say that no man had been more abused by the press than he (Mr. Hume); but when he was right he ultimately prevailed, and if he were wrong, the sooner it was known the better. Let every man act that way, and they never need be afraid of the press. He hoped that Louis Napoleon would look upon the press as a body of men having a particular trade to carry on, and particular objects in view, and that they did not represent popular opinion in this country in any way to sway public affairs. He was satisfied it was the interest of England and of France to be at peace, and where it was their mutual interest to be at peace there could be no danger of war. It appeared from a return upon the table of the House that there were 31 ships of war in the Mediterranean, 26 on the coast of Africa, 25 in India, and 15 in the Pacific Ocean, and let them be compared to the proportion of vessels possessed by the United States, and consider also the protection she gave to her commerce. The United States gave protection to their trade with one-tenth of the number of ships which this country employed for the same purpose. Let those ships be used if necessary, but while the country had that fine fleet it should not be put to any additional expense. He was glad to hear the noble Lord did not anticipate any increase in the regular army. There was to be some proposal made respecting the militia, but he might not have properly understood the noble Lord. He had followed the noble Lord in favour of civil and religious liberty since he had entered that House, and would be sorry to part company, but the noble Lord had been too dilatory of late, and had not had the courage to carry out his own resolutions; he had therefore lost the support of the Reformers. The noble Lord would never be turned out of office by the Protectionists or Tories, but might lose his post by Reformers not giving the support which would otherwise be given. He, therefore, counselled the noble Lord to take an active, energetic, vigorous course, and the noble Lord would have no cause to complain.

MR. BERNAL OSBORNE said, as many opportunities for discussing colonial affairs would occur, he should not at present say a word on the subject; but he wished to make one or two remarks on a matter which had been alluded to by his hon. Friend the Member for Montrose. He had no desire to offer any criticisms on the ornaments of the House, or on the arrangements for the accommodation of the Members; but he thought it right to mention the fact that one of those heavy candelabra which were suspended from the ceiling of the House a short time previous to the chair being taken by Mr. Speaker, fell down upon and went through the floor. It would be rather awkward if any one of them were to fall during the sitting of the House, and he thought some guarantee should be given that those things should be properly fitted. He begged also to point out that the hon. Member for Cavan was now sitting on a spot where the lamps leaked, and he would certainly advise the hon. Member to move, if not to the Treasury bench, at least to some other part of the House. While on this subject he would advert to another point that deserved the immediate attention of the House—he meant the ventilation of the building. Upwards of 200,000*l.* had been spent upon the ventilation of the House of Commons and the House of Lords, and how were they situated now with regard to that point? Why, Dr. Reid informed him (Mr. Osborne) last night, that the quarrel which had been going on five years between him and Mr. Barry was not yet settled, and he further stated, that unless he were allowed to have the entire charge of that House no settlement would ever be effected. Those two gentlemen by their disputes had completely defeated the efforts of the Committees which had sat on this subject; and, great as were the talents of the noble Lord the Chief Commissioner of Works and Buildings, he (Mr. Osborne) doubted whether he would be able to terminate the disagreements between those two scientific personages. Under the circumstances, therefore, he certainly felt disposed to move that Dr. Reid should be called to the bar of the House, and be requested to give some explanation upon the subject. That was the only way in which the House could effectually take up the question. They might go on spending the public money year after year, and endangering the lives of many valuable men who were arrived at a stage of life which would not allow them to bear with the heat that prevailed in that House. In his opinion the House was most defectively constructed in respect of ventilation. It was Dr.

Reid's wish to be called to the bar of the House to be examined on the subject, and he hoped that course would be adopted.

Captain FITZROY suggested to his hon. Friend the substitution of a Committee to inquire into the warming and ventilating of the House, for the examination of Dr. Reid at the bar, for they would only get an *exparte* statement from that gentleman, and would not be in a position to recommend what should be done. Every Gentleman, he thought, could testify to the intolerable state of the House attendant on the stench and puffs of alternate hot and cold air which prevailed, and which composed an atmosphere that was unbearable, and this too at the commencement of a Session which was likely to be long, and occupied with protracted discussions. Such a state of things required investigation, and he would again suggest to his hon. and gallant Friend to withdraw his proposition to call Dr. Reid to the bar of the House, and give a notice of Motion for the appointment of a Committee to inquire into the warming and ventilation of the House, which he (Capt. Fitzroy) would himself have proposed, but would now leave in the hands of his hon. and gallant Friend. Most certainly some steps should be taken in the matter; and if his hon. Friend did not give notice of a Motion for a Committee, he (Captain Fitzroy) would move for one.

LORD SEYMOUR said, no object would be gained by calling Dr. Reid to the bar, and it would be better to have a Committee, which would be able to ascertain what was required, and decide on what should be done. Hon. Gentlemen should remember that they had themselves determined that the House should be ventilated by Dr. Reid, while the rest of the arrangements of the building, including lighting, were left in the hands of Mr. Barry. The conflict between these gentlemen had caused some confusion, and the House was suffering in consequence. Many of the alterations, however, which had been proposed last year had been only lately carried out, and the ventilation was not yet brought to full perfection, so that it could not be said to have had a fair trial. He thought the best course would be the appointment of a Committee.

MR. FITZROY asked whether the noble Lord would move for the appointment of a Committee?

LORD SEYMOUR said, he should have no objection to do so.

MR. HUME did not think any benefit would result from the appointment of a Committee. There had been several Committees already, and they had done no service, and another Committee would, in his opinion, be equally useless.

Address *agreed to*:—To be presented by Privy Councillors.

Adjourned at half after Six o'clock.

HOUSE OF LORDS,

Thursday, February 5, 1852.

MINUTES.] PUBLIC BILLS.—1ª Municipal Corporation Acts Amendment; Common Law Procedure Amendment; Secretary of Bankrupts Office Abolition.

IRISH SPECIAL COMMISSION.

The MARQUESS of WESTMEATH, seeing a Member of Her Majesty's Government opposite, wished to call the noble Lord's attention to the very fearful state of affairs now existing in the north of Ireland. Her Majesty's Government were by that time aware of the termination of the trials which had taken place in pursuance of a Special Commission, and he thought they were rather in a dilemma with regard to the result. Because either the issuing of the Special Commission, and the steps taken to put those individuals on their trial—and who were not found guilty—was a mistake altogether, or the representation made that the powers of the existing law would be sufficient for the suppression of crime and outrage, were not warranted by the state of the facts. He wished to know whether her Majesty's Government meant to take any new view of the subject; because either these individuals had been improperly brought to trial, or a strengthening of the existing powers was absolutely necessary.

EARL GREY said, that he understood the noble Lord's question, whether, in consequence of the failure of convictions before the Special Commission, the Government proposed to introduce any measure for the alteration of the law. He could only say that the proceedings of that Special Commission had but just been furnished to him, and since then he had had no opportunity of communicating with the Secretary of State for the Home Department, and it was not possible therefore that any decision could be come to as yet.

REFORM OF THE COURT OF CHANCERY.

LORD LYNDHURST said, he had a question to put to the noble and learned

Lord on the woolsack, relative to the notice which had been given by the Government in the other House that a Bill for the reform of the Court of Chancery would be introduced into that House on Monday week. He wished to know if that Bill would be founded on the Report of the Commission, and, if so, whether it was intended that the Bill should carry into full and complete effect the recommendations of the Commissioners?

The LORD CHANCELLOR said, that the notice in question, he apprehended, applied to a Bill which would be framed undoubtedly on the Report of the Commissioners to which his noble and learned Friend alluded. Until he had seen the Bill drawn out in full, he could not venture to say whether he should feel authorised to recommend its adoption in its entirety. Having considered the Report as far as a limited opportunity would allow (for the document had only been signed a few days ago, and its contents were very voluminous), he had no doubt that the Bill to be introduced into the other House would carry out in detail the whole or so much of the reforms as were recommended in the first Report. But the first Report did not extend to the whole matter; it embraced the proceedings of the Court of Chancery, but not the jurisdiction, the Commissioners having reserved to themselves to make a further report as to the jurisdiction. He had found the labours of the Commissioners so wide, that if he were to wait for their Report before any measure was prepared, he might cause some disappointment as to the period of the Session when it would be introduced; and therefore he had caused a Bill to be prepared which appeared to him of very great importance, and which he was quite sure would not interfere with anything which the Commissioners might recommend. His Bill would be brought in on Friday; and the Bill referred to in the noble and learned Lord's question would be introduced in the other House on Monday week, and he could state would be based on the Report of the Commission.

Lord BROUGHAM rejoiced at the intended introduction of the two measures mentioned by the noble and learned Lord on the woolsack for carrying into effect a great portion of the recommendations of the Commissioners. Nothing more important could be laid before Parliament than a measure or measures of that kind; and in the recommendation of the Report he most entirely concurred, with one exception on a point on which it ought to have been more distinct. He could not see how the Bill supplied means of keeping down the arrears in the Court of Chancery. He certainly could have wished that the Report had gone somewhat further; but as to the direction in which it proceeded, and the particular recommendations as far as they went, they had his complete, unhesitating, and cordial concurrence.

HER MAJESTY'S ANSWER TO THE ADDRESS.

The LORD STEWARD of the HOUSEHOLD (the Marquess of Westminster) informed their Lordships that he had waited on Her Majesty on behalf of their Lordships' House to present the Address which their Lordships had adopted in answer to the Speech from the Throne on Tuesday. The Address was most graciously received by Her Majesty, who returned the following answer to their Lordships:—

> "I thank you for your loyal and dutiful Address.
>
> "It will at all Times be My earnest Desire to co-operate with you in Measures calculated to promote the Prosperity and Happiness of My People."

THE KAFIR WAR.

The Duke of WELLINGTON: My Lords, I was unable to address your Lordships two nights ago, when you voted the Address to Her Majesty, to which She has returned the gracious answer which we have just heard read. The Motion now before you is, that the Address be entered on the Journals of the House; and I wish to avail myself of this opportunity of expressing my sense of the services of General Sir Harry Smith, now in command of Her Majesty's troops at the Cape of Good Hope. Sir Harry Smith is an officer who, from his high reputation in the service, ought not to require any commendation from me; but having filled a high command in several important military operations long before, carried on under his direction, and having now been recalled by Her Majesty's Government, it is but justice to him to say that I, who am his commanding officer, though at a great distance, entirely approve of all his operations, of all the orders which he has given to his troops, and of the arrangements which he has made for their success. I highly approve of the conduct of the troops in all their operations; I am fully sensible of the difficulties under which they have had to labour, and of the gallantry with which they have overcome all those difficulties, and of the great success which has attended their exertions. My firm belief is, that everything has been done by the commanding general of the forces, and the other officers, in order to carry into execution the instructions of Her Majesty's Government. I have myself had the honour of holding the command of British troops, and superintending different miliary operations in a similar country, under three Governors General of India; and I am proud to say that I have not observed any serious error in the conduct of the whole of these operations of my gallant Friend Sir Harry Smith. He has no doubt committed errors as others have done before him. The operations of the Kafirs have been carried on by the occupation of extensive regions which in some places are called jungle, in others bush, but in reality it is thick-set, the thickest wood that could be found anywhere. The Kafirs having established themselves in these fastnesses, with their plunder, on which they exist, their assailants suffer great losses. They move away with more or less celerity and activity, sometimes losing and sometimes saving their plunder, but they always evacuate these fastnesses. Our troops do not, cannot, occupy these places. They would be useless to them, and, in point of fact, they could not live in them. The enemy moves off and is attacked again; and the consequence is, to my certain knowledge, under the last three Governments, that some of these fastnesses have been attacked not less than three or four times over, and on every occasion with great loss to the assailants. There is a remedy for these evils: when these fastnesses are stormed and captured, they should be totally destroyed. I have had a good deal to do with such guerilla warfare, and the only mode of subduing a country like that, is to open roads into it so as to admit of the transport of troops with the utmost facility. I have recommended that course to the noble Earl (Earl Grey) opposite, who, I believe, has ordered it to be adopted at the Cape. It is absolutely necessary roads should be opened immediately into these fastnesses. The only fault I can find with Sir Harry Smith's operations is, that he has not adopted the plan of opening such roads, after he had attacked and taken possession of those fastnesses. I have, however, instructed him to do so in future; but it is a work of great labour—it will occupy a considerable time, and can only be executed at great expense. The noble Secretary of State has ordered that region to be laid open; and the truth is that the war at the Cape has come to that point that unless such a measure is adopted, there can be no peace in that part of the world—there can be no enjoyment of the social comforts of civilised life. The Kafir chieftains at the head of 10,000 or 20,000 men establish themselves in these fastnesses within the boundary of Her Majesty's territory, and they are not accessible to any portion of Her Majesty's troops. I say then, that such a measure must be adopted; it will take time, and can only be effected at great expense; but the effect would be to give peace, and to enable the people to enjoy the blessings of social and civilised life—and the expense would not be a tenth part of the expense of one campaign. If this was not done effectually, there would be no peace and no cessation of armed bodies making inroads upon the people in that part of the world. He thought it but fair to say what he had said of his gallant Friend Sir Harry Smith; and that it was also right to say that all which ought to be done had not yet been done to lay the foundation for that which was the object of all war, namely, peace.

Lord LYNDHURST wished to know whether the papers laid on the table on Tuesday night contained any account of the proceedings of the Legislative Council, the legality of which was discussed at such length during the last Session of Parliament?

Earl GREY said, the papers laid on the table contained a full account of the proceedings. There were two sets of papers laid on the table, one set confined to the circumstances of the war, and the other to measures of legislation. The latter contained all the proceedings of the existing Legislative Council with regard to the body, the legality of which was so much contested by the noble and learned Lord last year. If he referred to those despatches, he would find that the Governor did not call together the Legislative Council until he had completed it to the number of which it previously consisted, and it would continue until the new Parliament came into operation.

Lord LYNDHURST: That body then never was summoned in its reduced state.

Earl GREY: It was never summoned

in its reduced state, and Sir Harry Smith was always desirous of having it, if he could, in its full number. The instructions to him required him, in case of his inability to complete the Legislative Council to its original number, to proceed with the reduced number; but if he could produce satisfactory nominations, he was desired to complete it to the increased number.

PRESIDENCY OF THE BOARD OF CONTROL.

The Earl of **ELLENBOROUGH** said, that as the noble Lord the late President of the Board of Control (Lord Broughton) had retired from office just at the moment when his extensive experience would be of most use to the country, he wished to know what Member of the Government was to undertake the duties of the post thus vacated, as he desired to put some questions to the Government relative to the affairs of India?

Earl **GREY** said, the noble Earl ought to give notice of his questions, and then some Member of the Government would be prepared to answer them. The noble Earl, however, must be aware that it was very common for the President of the Board of Control to be a Member of the other House.

The Earl of **ELLENBOROUGH** was aware of that fact, but it was certainly extraordinary that the moment selected for the late President of the Board of Control's retirement, should be just when his long official experience would be of most service to the Government in revising the powers of the Court of Directors, which would expire in two years; and it was more extraordinary still that the noble Lord should be succeeded by a gentleman from the office of Secretary at War; in which situation also great knowledge and experience were necessary, especially when measures were about to be prepared for strengthening the national defences; and that Secretary at War, again, was succeeded by a civilian, who knew nothing at all about the particular department which he was appointed to conduct. He would now, however, give notice that on Tuesday next he should first ask two questions: what measures it was the intention of the Government to take during the Session—if they were to take any measures—for the purpose of putting Parliament in possession of such information as might enable it to legislate with respect to the termination of the present interest of the Court of Directors in the revenues and territories of India, and which interest ceases in about two years; and, further, he wished for any information which the Government might be enabled to afford respecting the present state of our relations with the Court of Ava, with especial reference to the expedition and hostile operations which were commencing against the port of Ragoon.

COUNTY COURTS.

Lord **BROUGHAM** said, he had to move their Lordships for certain returns respecting the Court of Chancery, and in doing so he would take that opportunity of giving notice that on Tuesday next he would state the course he intended to pursue relative to an important Bill which last year received the sanction of their Lordships, and also the sanction of the other House, with some alteration, but which Bill was only prevented from passing owing to the late period of the Session when the Commons' Amendments came on for consideration. He alluded to the County Courts Further Extension Bill, which, by the courtesy of their Lordships, had received a first reading last Tuesday. The measure was, in fact, the same measure which their Lordships agreed to last year, the alterations made upon it in the other House not affecting the principle, but only the *modus operandi*. He would read to their Lordships a communication from one of the Judges who presided over the County Courts, in which that gentleman, a most learned and able person, expressed his thankfulness and satisfaction at the benefits derived from the justice administered in those courts. The learned Judge stated that, strongly as he had always been led to think in favour of the County Courts in consequence of the reports which he had heard respecting them, now that he had seen more nearly the working of the system by experience, he was astonished at the protection and comfort which they afforded to the people. He added, that out of the numerous cases which had come before him, he had met with only one bad case of perjury. That was a highly satisfactory testimony to the good effects and the efficient working of those courts; and he reckoned his learned Friend singularly fortunate in having met with but one case of perjury in the course of his experience. In all probability his statement was confined to the cases of the parties examined. He had now to move for returns showing the state of business in the country Courts of Bankruptcy, and in doing so he must remind their Lordships of the measure he had introduced in the last Session, having for its object the consolidation of the bankruptcy jurisdiction with the County Courts jurisdiction. The only chance of effecting that consolidation was by not filling up the vacancies in the offices of the Courts of Bankruptcy as they occurred, or, if they were filled up, that the persons who were appointed to them should receive their appointment to such offices upon terms similar to those on which other office-bearers, including the Welsh Judges, had sometimes been appointed, namely, that in case of their accepting the office, they were to have no claim to compensation if it should please Parliament in its wisdom to abolish those offices. He considered that either the vacancies should not be filled up, or, if filled up, it should be in that manner and on those terms. When the returns which he now moved for should be laid upon the table, their Lordships would see that in some of the country Courts of Bankruptcy there really was very little, indeed, of business transacted. It was stated that in some of those Courts a period of two months sometimes elapsed without any meetings being held for despatching business. Whether that representation was well founded or not, he would not undertake to say: they would be able to judge when the returns were made; but at the same time they could not always rely on the returns of the number of meetings as affording an indication of the real amount of business transacted, for he knew by what had formerly occurred that it was customary to set down notices of meetings in these Courts when there was little or no business to be brought forward, and the meeting was merely nominal. At all events, the returns for which he moved would furnish much important, and indeed absolutely necessary, information with regard to the country Courts of Bankruptcy.

The Returns moved for by the noble Lord were ordered to be laid before the House.

COMMON LAW PROCEDURE AMENDMENT BILL.

The LORD CHANCELLOR begged to lay on their Lordships' table a Bill founded on the Report of the Commissioners appointed to inquire into the Courts of Law and Equity, for regulating the ordinary proceedings in the Courts of Common Law. He might observe that the Bill dispensed with a great number of forms heretofore necessary, that it simplified every proceeding, and that it removed altogether the consequences of merely technical objections. It also tended to expedite the course of actions at law, and would entirely prevent those delays which occasionally occurred, owing to the technical nature of the proceedings. He might also mention that this Bill was but the first of several others of a similar character that would be laid before their Lordships during the present Session.

Lord CAMPBELL expressed his satisfaction at a measure of so important a nature, and from which so much benefit might be anticipated, being laid before their Lordships at that early period. The Commissioners, on whose Report the Bill was said to be framed, were wise men, and rejected the notion that legal proceedings could be entirely divested of their technical character. Formerly there prevailed a system of optimism with regard to the common law; now there prevailed a system of pessimism. A notion was abroad that a Judge, like a Turkish Cadi, had nothing to do but to call witnesses before him, examine them, and give his opinion. But doubtless a great number of abuses had crept into the administration of the law, which ought to be and which would be removed, and proceedings would become much more expeditious, much more simple, and much more economical than they had been heretofore. There was one matter in which he took a peculiar interest, and he should be glad to hear from his noble Friend whether any steps were intended to be taken in regard to it. He alluded to the question of fees, the abuses of which had been most enormous, and though the evil was not so great in amount as it formerly was, yet it still existed to a certain degree, and was very unequal in its distribution. What he (Lord Campbell) desired was, that there should be one fee imposed early in the cause, which would be abundantly sufficient to defray all expenses, and that all the officers connected with the courts of law should be paid by salaries, and not by fees. It was partly a recommendation of the Commissioners that the officers of the courts should be paid by salaries, and not by fees, and it would give him great satisfaction to hear that a Bill for effecting that recommendation would be brought before Parliament.

The LORD CHANCELLOR said, his noble and learned Friend would find that the necessary effect of the Bill which he had had the honour to lay upon the table would be to diminish fees to a very great extent, for by it the great length and delay of proceedings would be put an end to, and by that means the fees would be decreased in number. It was also in contemplation still further to diminish the amount of fees by increasing the use of stamps in proceedings; but whether it would be wise to do away with fees altogether, he would not undertake to say. The Bill which he had already alluded to relating to the Court of Chancery annihilated all fees, and put the whole of the officers of the court on salaries. He quite agreed with his noble and learned Friend that fees should not exceed what was necessary for the support of judicial establishments, and as much as possible had been done with the view of reducing fees to that point. He might mention that one of the objects of the Bills to which he had alluded was to transfer all Judges' salaries to the Consolidated Fund. He now begged leave to lay upon the table another Bill for the purpose of doing away with the office of Secretary of Bankruptcy, and also to put an end to the office of secretary formerly attached to the Registrar of the Court of Bankruptcy.

Earl FITZWILLIAM said, that the consequence of the alteration in the payment of the Judges' salaries, mentioned by the Lord Chancellor, would be to add 28,000*l.* a year to the Consolidated Fund.

Lord BROUGHAM was quite certain that even a larger sum than that would never be grudged, either by the people of this country, or by those who represented the people in Parliament. He felt sure that any measure for relieving the suitor, now aggrieved by the complication and delays of proceedings in the Court of Chancery, would meet with general approbation, and that the nation would not be led away by any false notion of economy—that worst possible system of saving where you ought to be liberal, which was usually accompanied by lavish expenses where you ought to be saving. All the old arguments in favour of expensive law had been utterly exploded since the time of Bentham. One of them was, that law ought to be taxed like any other luxury, and that the expenses and delays of the law had a salutary tendency to prevent people from having recourse to it too hastily. But that was a doctrine which he was quite sure his noble Friend (Earl Fitzwilliam) would never sanction by his authority. He begged to ask his noble and learned Friend the Lord Chancellor whether the Bill which had been introduced by him relating to proceedings in the Courts of Common Law had been submitted to and approved by Lord Denman?

The LORD CHANCELLOR said, that he felt anxious to lay the Bill on the table at the earliest period of the Session, and as his noble and learned Friend (Lord Denman) had informed him that he proposed shortly to express his opinions on the subject in a pamphlet, he (the Lord Chancellor) did not think it desirable to wait until that pamphlet had appeared before he had brought forward the Bill. He had gone through the whole of the Bill with the assistance of Mr. Willes, to whom the public was already so much indebted. He (the Lord Chancellor) claimed no credit for it, for it was founded entirely on the Report of the Commissioners. No one could be more anxious than he was to have the assistance of the great learning and experience of his noble and learned Friend, but he did not think it expedient to postpone the Bill.

Lord CAMPBELL expressed his satisfaction that no delay had taken place in bringing forward the measure.

Bill read 1^a.

REGISTRATION OF DEEDS.

Lord CAMPBELL said, that it was with great satisfaction that he was authorised to state that a measure relating to the Registration of Deeds would be introduced by his right hon. and learned Friend the Master of the Rolls into the House of Commons on the earliest day that could be found for that purpose. The question had been lately propounded, "Will you register your deeds?" and to that question a right hon. Friend of his, Sir Edward Sugden, who was justly considered as one of the brightest ornaments of his profession, had replied, "No." Now, he (Lord Campbell) said, "Yes." Register your Deeds, he would say, and by so doing you would more readily prove the validity of your title, and diminish the expenses of a transfer of property. He trusted that the Government Bill on this subject, about to be introduced, would carry along with it some degree of reputation for last Session, and that in the present Session it would become the law of the land. He was convinced that some measure of this nature must form the foundation of all improvement in the law of real property.

Earl FITZWILLIAM thought that this was a question upon which the greatest deliberation and care ought to be taken before anything could be done. An Act which involved the necessity of registering in a public office every deed relating to property, would be productive of very great inconvenience to those who had dealings in small quantities of land. He did not object to all registration. Far from it. He thought there were great advantages connected with it; but a measure such as was brought forward last year was calculated to impose great expense and inconvenience in the transfer of small properties. He hoped that the Bill would be relieved of that obnoxious provision which exposed to every curious eye the deeds executed by private persons.

Lord BEAUMONT said, that the Bill of last year had since undergone much discussion out of doors, especially in the Ridings of Yorkshire, and he was happy to say that, generally, there was an inclination in favour of registration, and almost all the provisions of the Bill were approved of. One, however, was invariably objected to, an important clause, but one to which there seemed insuperable difficulties—that was the principle of centralisation. Many great authorities were of opinion that the registry of deeds should not be confined to a single office, but that it should be extended throughout the country.

Lord BROUGHAM: It is six of one and a half-a-dozen of the other which plan you adopt.

The LORD CHANCELLOR stated, that the Bill had undergone no change since last year, except the simplification of some of its terms.

Earl FITZWILLIAM repeated his conviction that the measure would be productive of great inconvenience to private persons, by the exposure which it would entail of the deeds and agreements relating to their properties.

The LORD CHANCELLOR would remind the noble Earl, that in consequence of similar objections which had been urged last Session, a clause was introduced into the Bill, which required that all registered documents should be given up to the owner of the property to which they related, and that no persons should be allowed to inspect the registry, without producing the original documents. This would effectually prevent these things being exposed to the gaze of the curious.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, February 5, 1852.

Minutes.] Public Bill.—1° County Rates.

PUBLIC-HOUSES IN SCOTLAND.

Acts [9 Geo. IV., cap. 58, Public Houses (Scotland); 6 Geo. IV., c. 81, Excise Licences] read.

Mr. FORBES MACKENZIE moved that the House resolve itself into Committee of the whole House to consider the laws regulating Public Houses in Scotland, with the view of introducing a Bill on the subject.

Mr. HUME thought they should have some reason assigned for this Motion. He had received no instruction from Scotland that any such Bill was necessary, and knew nothing of it; but they should have some ground assigned for proposing to disturb all the vested interests, many of them important, by a new measure that would re-establish a monopoly, and make changes very undesirable.

Mr. FORBES MACKENZIE said, this was a mere preliminary step towards the introduction of a Bill. If the hon. Gentleman would wait till he saw the Bill, he (Mr. Mackenzie) thought he would see that there was no intention of establishing a monopoly. A Bill had been passed in the other House last year, which came to that House so late in the Session that it was impossible to pass it into law. He wished only to reintroduce that Bill early into the House, and should propose after the second reading to refer it to a Select Committee competent to deal with this question, from whose deliberations he hoped such a measure would come forth as the House would be satisfied to pass. It was not very agreeable for a Scottish Member to be called upon to state the grounds of this measure in the grievous amount of drunkenness that prevailed in Scotland, and the enormous consumption of whisky by the lower orders of that country. He believed it was acknowledged by everybody who had been there, that it was very desirable some measure checking the facilities for such consumption should be introduced, and he asked to do something towards it by this Bill, the principles of which might be much better discussed on the second reading.

Mr. HUME could only say that if Her Majesty's Government allowed a Bill of such importance as this to pass without a word, the House would be better without them.

The LORD ADVOCATE said, that although there was a great diversity of opinion as to the desirableness of any legislation on the subject, he could not see that there was any objection to be made to the hon. Gentleman opposite having leave to introduce his Bill.

The House in Committee.

Resolved—"That the Chairman be directed to move the House, that leave be given to bring in a Bill for the better regulation of Public Houses in Scotland."

Resolution *reported:*—Bill ordered to be brought in.

THE QUEEN'S SPEECH—A SUPPLY.

The Order of the Day having been read for taking into consideration the Queen's Speech,

Mr. SPEAKER read the portion of the Speech relating to the Estimates of the present year.

Mr. CORNEWALL LEWIS moved, "that a Supply be granted to Her Majesty."

Mr. HUME begged to ask whether, in presenting the Estimates for the Army and Navy to the House, it was the intention of the Government to carry out any of the recommendations lately made of changes which had been proved to be absolutely necessary by the evidence taken before the Committee which sat three years ago. The evidence taken before that Committee of which he was a Member, showed clearly and distinctly that improvements of great importance, not only with regard to the inefficiency but the economy of both services could be effected. Although that Committee separated last Session under peculiar circumstances, and did not make so full report as was intended, in consequence of the loss of their chairman, they did offer some recommendations, and he wished to know if it would appear from the Estimates whether those recommendations were to be carried out.

The CHANCELLOR of the EXCHEQUER said, that his right hon. Friend (Sir F. Baring) who had moved the Navy Estimates in the two previous Sessions, had then stated what had been done in pursuance of the recommendations of the Committee. The Secretary at War, in moving the Army Estimates last Session, had also shown that the expenditure in that department had been very considerably reduced. As far as he recollected, it appeared from the statements last year, that a considerably increased force would be maintained at an expenditure below that of the previous year. The proper time, however, for any details upon this subject, would be when the Army and Navy Estimates were moved, and he had no doubt they would then be furnished in the fullest manner by his right hon. Friends by whom that duty would be performed.

Sir JOHN PAKINGTON said, that he wished to put a question to the noble Lord the Chief Commissioner of Works. It had been stated on the previous evening by the hon. Member for Middlesex (Mr. B. Osborne), that one of the chandeliers suspended from the roof of the House had fallen. He should, therefore, be glad to know if the noble Lord was in a position to assure the House that there was no danger of any similar occurrence taking place? He also wished to know whether any means could be taken to make the lamps burn?

Lord SEYMOUR said, that having heard the report that a chandelier had fallen upon the floor of the House, he sent for Mr. Barry, who, in reply to a question upon the subject, presented him with a paper (signed by the contractor, the clerk of the works, the foreman, and every one engaged in the building) denying that such was the fact. On the 3rd of January a workman let fall a piece of iron, which went through the floor of the House, and this might have given rise to the report. The defective burning of the lamps arose, he understood, partly from there having been a leakage of the gas, and partly from its not having been possible for the gas-fitters to complete their work within the time expected.

Mr. BERNAL OSBORNE said, that he did not make the statement with reference to the fall of the chandelier on his own responsibility; he had it from a Member of the Government, the noble Lord the Member for Lichfield (Lord Anson), who told it to him upon the authority of the seconder of the Address (Mr. Carter).

Committee thereupon *To-morrow.*

The House adjourned at a quarter after Five o'clock.

HOUSE OF LORDS,

Friday, February 6, 1852.

THE KAFIR WAR—SALE OF AMMUNITION TO THE KAFIRS.

The **Earl** of **MALMESBURY** said, that seeing his noble Friend the Secretary for the Colonies in his place, he should like to ask him a question, before answering which, he hoped he would not require the formality of a notice. He had seen in the papers which the noble Earl had laid upon the table of their Lordships' House, a statement which he was sure would be extremely revolting to the public, as showing a degree of cupidity and a forgetfulness of all feelings of patriotism which was highly discreditable to this country. The statement was, that a large quantity of gunpowder had been recently exported from this country to the Cape Colony, and there sold to our enemies the Kafirs. The noble Earl, in these papers, spoke justly in the strongest language of this practice. Certainly the noble Earl appeared to have done what he could on the occasion, by giving directions to the Governor to follow up with severity any person detected in selling this ammunition when it reached the Cape; but he wished to ask the noble Earl whether he could not take measures in this country for stopping the further export of that material; because, if he was not mistaken, large quantities of gunpowder could not be exported without some permission from the authorities in England, and must be shipped, he believed, almost under the eyes of the Ordnance. He wished to ask, therefore, whether the noble Earl had any intention of bringing persons guilty of such an offence in this country to trial or exposure; whether there were any means of preventing the continuance of such a practice; and whether he was aware that arms as well as ammunition were carried from this country to the Cape to be sold to our enemies?

Earl GREY said, in reference to the important subject involved in the noble Earl's question, he thought the best mode in which he could answer it was by simply stating to the House precisely what had occurred. He was quite aware, before the war broke out, that very large quantities of gunpowder had been sent from this country to the Cape of Good Hope; but he was also aware that there was no law to prohibit it; he believed, also, that the merchants of this country sent it out without knowing the bad purposes to which it was applied; for in peaceable times gunpowder was one of the main articles of export to the Cape, where a great quantity of it was used, it being a necessary article in the colony. But in the month of November last, the Chairman of the Board of Customs communicated to his right hon. Friend the Chancellor of the Exchequer and to himself the fact that these shipments of gunpowder and arms to the Cape were going on. The moment that he received this intimation, he (Earl Grey) wrote a despatch at once to the Governor at the Cape (which despatch was included in the papers on their Lordships' table), and in it he called his Excellency's attention to the circumstance, that he might direct immediate measures to be taken to prevent the arms and ammunition from being used so as to fall into the hands of our enemies. At the same time, on consulting with the Board of Customs and other persons that he thought capable of giving him the best advice, he had come to the conclusion that it would be inexpedient to attempt to stop the exportation of arms and gunpowder from this country; and for this reason, that by doing so, if the gunpowder was intended for unlawful purposes, it would only put the exporters on their guard, and they could send it first to France or Holland, whence it could be taken and landed on the southern coast of Africa without going to Cape Town or Graham's Town: and, secondly, because he thought that by continuing to allow the transmission of arms and ammunition to the Cape, without any interference with it at home, he should be able to cut up the traffic more certainly and effectually; and he was happy to say that, in a report that he had received within the last few days from the collector of customs at the Cape, that gentlemen expressed a strong opinion that the best course to adopt was to endeavour to arrest the traffic when it approached the colony, rather than attempt to check it from this country. Their Lordships would be aware from the despatches on the table, that an ordinance had been passed (he was bound to say, when it was too late) by the Legislative Council at the Cape, for intercepting the trade there; and he had received, only yesterday, from the Admiralty, a report from the Commodore on the African station, stating that he had despatched one of the vessels under his command to prevent gunpowder from being landed on the West Coast of Africa. He was informed by a very able officer that the places where the landing of it was practicable were so very few that there would be no difficulty in interrupting the traffic; but at the same time it was utterly impossible to prevent the loyal inhabitants and farmers in the colony from purchasing powder, because they required to have it for their own defence, not only against the Kafirs, but also against the wild beasts abounding in that part of Africa, and which were a source of very serious danger. After a full consideration of the question, the Legislative Council at the Cape had decided on a measure which had now become law, as on the whole the best course that could be adopted; and he was led to hope, by the information that he had received, that being armed with these powers the Government would be able to suppress this traffic. But he was concerned to add that, in his opinion, this precaution had been taken much too late, and it was to him quite incomprehensible, knowing the strong laws in existence at the Cape against the sale of gunpowder to the Kaffirs, that this trade had been allowed to go on so long. The Commodore reported that the trade was now stopped; but his expression was that during the last few months several hundred tons of powder had been landed along the western coast.

The EARL of MALMESBURY said, it appeared to him that if the sale of gunpowder at the Cape was placed under this restriction, that licences should be procured from the Government by persons to whom it was necessary for self-defence, either against the Kafirs or wild beasts, we should have some guarantee against the enemy obtaining it. The noble Earl had forgotten that his question applied to arms as well as to gunpowder.

EARL GREY said, there was no fault to find with the ordinance of the Legislative Council, except that it ought to have been passed last February instead of last November. The instructions he had given extended to the prevention of the trade in arms as well as gunpowder intended for the enemy. He had seen in the newspapers a report of certain shipments of arms from this country; but he had no reason to believe that they were intended for the Cape; he believed they were for traffic on the north-western coast of Africa.

The EARL of HARDWICKE was understood to make an inquiry about the use of arms by the population at the Cape; to which

EARL GREY replied, that he thought in that country it was the fashion for almost everybody to carry arms.

RECALL OF MAJOR GENERAL SIR H. SMITH FROM THE CAPE.

The MARQUESS of LONDONDERRY said, that as the subject of the Kaffir war had been that evening brought under consideration, he could not refrain from putting—though without notice—two or three questions to the noble Earl opposite of a professional character. His first question had reference to the despatch of Earl Grey, dated the 14th of January last, conveying to Major General Sir Harry Smith the opinion which he had formed on his military operations. Now, he had heard with the greatest satisfaction the speech delivered last night by his noble and gallant Friend near him (the Duke of Wellington)—the highest authority on military matters in the world—on the subject of Sir H. Smith. He felt that his noble and gallant Friend had spoken most fitly for his own dignity, and most fitly for the high character of Sir H. Smith. His noble and gallant Friend's speech would be a panacea for the feelings of mortification which Sir H. Smith must endure on hearing that he was made a victim by the noble Earl opposite. He (the Marquess of Londonderry) did not dispute the right of the Government to dismiss any officer; but it was of the highest importance to the well-being of the Army that that right should be exercised with the greatest discretion. It should not be in the power of Government to dismiss an officer of high reputation at its pleasure, and to place in his stead an officer whose military exploits were not known. It seemed strange that any Government should venture to place in command an officer who knew nothing of his duties, and should dismiss an officer who had had great experience in the art of war. The selection made of a new Governor for the Cape of Good Hope must go to the country as a selection of the noble Earl; for the determination to dismiss Sir H. Smith was not formed on any decision of his noble and gallant Friend near him, but on the *ipse dixit* of the noble Earl alone. Sir H. Smith was not an officer of ordinary character; for, without him, where would have been the victory of Aliwal? His high character was the property of his country, and therefore he (the Marquess of Londonderry) wished to know what the precedents were on which the noble Earl defended his recall of Sir H. Smith, and the appointment of Major-General Cathcart as his successor? If the war should become worse in Kafraria, on the noble Earl and the Government would rest the responsibility for the disaster. He doubted the policy as well as the justice of dispensing thus unceremoniously with the services of such an officer as Sir H. Smith, after the high testimonial to his merits which had been recently given by his noble and gallant Friend the Commander-in-Chief. He concluded by asking the noble Earl whether the dismissal of Sir Harry Smith was approved by the Commander-in-Chief, or was entirely the act of the Colonial Office; and whether the appointment of Major-General Cathcart as successor to General Sir H. Smith, late Governor of the Cape of Good Hope, was founded on the selection of the Horse Guards, or whether it was the appointment of the noble Earl himself?

Earl GREY: My Lords, I am not sure if the questions just put by the noble Marquess opposite are of a very usual description. I am quite certain that many of the remarks that he has made are remarks in which it would be very unfitting in me, on this occasion at all events, to follow him. If the noble Marquess wishes to question the measure which has been adopted by the Government, let him do so in the regular way, and take the sense of your Lordships' House on the subject, and I shall be prepared to defend the course which we have pursued. But mere irregular remarks at this time on so important a subject shall not lead me into following the noble Marquess. I will only say thus much in answer to his question, first, regarding the recall of Sir Henry Smith. It appeared to me, for the reasons stated in those despatches to which the noble Marquess adverted, that that officer ought to be relieved from his present duties. I consulted my Colleagues on the subject; and, with their unanimous consent, I determined to submit the advice to Her Majesty, on considerations not exclusively military (as to those who read the papers on the table will be evident, and as is further evident by the very recent discussion and conversation in this House), that we considered it necessary, although a most painful duty, to relieve Sir Harry Smith from his duties as Governor of the Cape of Good Hope. Having determined on that course, most undoubtedly I did not determine on the selection of the officer whose name I submitted to the Queen as his successor, without consulting the highest military authority to which it was in my power to appeal. I did consult the noble Duke at the table (the Duke of Wellington), and I think the noble Duke will bear me out in saying that on naming Major-General Cathcart as the person who might properly be appointed to this responsible situation, the answer of the Commander-in-Chief was, that if Sir Harry Smith was to be relieved, he did not think that any officer could be selected more fit for that military employment than Major-General Cathcart. This answer I hope will satisfy the noble Marquess; and certainly I decline to go any further, and discuss now at greater length the reasons for the measure we have taken. I will only add, that having had intercourse with Sir Harry Smith before he went to the Cape, and having had the highest respect for his character, and believing him entitled to the high reputation which he bears, it has never been my lot while I have had to conduct public affairs, to have so painful a duty cast upon me as having to advise Her Majesty to recall him. But believing in my conscience that that measure was necessary, I could not shrink from performing my duty, however painful it might be.

APPELLATE JURISDICTION.

Lord BROUGHAM said, that in moving for returns of the cases of appeal to their Lordships' House under its appellate jurisdiction, he wished to take the opportunity of making a few observations regarding the hearing of appeals from the courts in Scotland. He had been represented last Session as having expressed his opinion that their Lordships should have the assistance of one or more Scotch Judges, or of an assessor from these Courts, in hearing appeals from Scotland. Now, the opinion which he had expressed was quite the reverse of that, for he considered that the suggestion, which was very likely to be made in consequence of the calling in Equity Judges to assist the House on English cases, would be attended with difficulties that were almost insuperable as regarded these forms in Scotland. The Faculty of Advocates in Edinburgh had sent up a part of their body on a former occasion to confer with himself and some of his noble and learned friends upon the subject. He had entered into correspondence with them, having left town before their arrival; and the result of their communications had been, so far as his own opinion was concerned, that the difficulties of the question were not perhaps wholly insurmountable, and that some means might by possibility be devised to remove the anomaly of the present arrangements. He could go no further than this. At all events, every one must feel that those difficulties were great enough to make the House pause before it effected any important change in the appellate jurisdiction, and that they were bound to apply every relief and remedy that could be suggested which might appear likely to lessen the mischief complained of. Without going into the entire question, he was about to suggest to their Lordships and to his noble and learned Friend (the Lord Chancellor) what he thought would be a very important improvement in their mode of conducting the appellate business, which he would venture to say—and he spoke on the strength of communications he had had with certain of the heads of the Courts in Scotland—would have a most valuable effect in removing the difficulties of the case. It was simply that they should take the Scotch appeals together at some period of the Session, and he should say, at that period of the Session which was most convenient to the Scotch practitioners. There were two months of recess in the Scotch courts, commencing in March and ending in May. Why, then, should not their Lordships take these two months for the Scotch appeals? The suitors in England and in Ireland would have no right to complain of such an arrangement, because they would gain advantage by having the first part of the Session devoted entirely to their business; and if there were any special case requiring the immediate interference of the House, the Scotch appeals might be discontinued for a day or two. He thought it was of great importance that they should take the Scotch appeals continuously, which would be the course most convenient for Scotch practitioners and suitors, and would also be the best for their Lordships themselves, because it would procure for them the assistance and aid of Scotch lawyers. It was of essential importance, too, that cases should be heard *de die in diem*, without any interval or adjournment.

The LORD CHANCELLOR said, that undoubtedly there was considerable inconvenience and anomaly connected with the hearing of Scotch cases in their Lordships' House: but he was not aware that any different course from that now pursued had been proposed by Scotch practitioners. However, he was now in communication with members of the legal profession in Scotland upon the subject, and he should give his best consideration to any changes which they might suggest in the present arrangements.

Lord BROUGHAM begged to say a word or two in addition to what had already fallen from him. It was supposed that on a former occasion he had charged the noble Earl upon the cross benches (Earl Fitzwilliam) with having entertained the preposterous notion that the diminution of fees, or, in other words, of law taxes, would be prejudicial to the public interest, upon the ground that it would foster a mischievous spirit of litigation, and increase the amount of lawsuits. He had never brought so unjust an accusation against the noble Earl. He had, indeed, with pain and astonishment, found his noble and learned Friend upon the woolsack expressing opinions, last night, in favour of that exploded heresy, and he had then taken occasion to say, what he would now repeat, that, with the exception of his noble and learned Friend, he did not think there had been a sensible man in the kingdom for the last seventy years, indeed never since the days and the earlier days of the illustrious Bentham, who had cherished ideas so utterly at variance with reason as to imagine it was an advantage to the community to have law expensive. He certainly never dreamt of alluding to the noble Earl. It was his noble and learned Friend upon the woolsack of whom he had spoken, and of him alone, lamenting that he should seem to continue an error so mischievous and so long since exploded.

CHANCERY AMENDMENT BILL.

In reply to an observation of Lord Lyndhurst,

The LORD CHANCELLOR said, that he heard with considerable surprise of the notice which had been given of the introduction of a Bill for the Reform of the Court of Chancery into the other House of Parliament on the 16th instant, because he thought that such a Bill, founded on the Report of the Commissioners, and embodying certain of their recommendations, would require a very great amount of thought and arrangement, in order to make it available for any purpose, and he did not see how a well-considered measure could possibly be prepared before the 16th instant.

Lord LYNDHURST would suggest that at whatever time the measure alluded to might be prepared, it should be introduced into that, and not into the other House of Parliament. By that means much time might be saved.

Lord BROUGHAM agreed with the proposal of his noble and learned Friend that the Bill had much better be introduced into that House than into the House of Commons. He was aware that there was one motive for introducing it into the other House, namely, the presence there of the learned Commissioners, upon whose most able and learned report the measure would be founded. He had given the subject his best consideration, but he was still inclined to think that, notwithstanding the presence of those learned persons in the other House, it would upon the whole be more expedient that the Bill should be introduced into their Lordships' House.

Lord CRANWORTH fully concurred in the surprise which had been expressed that any one could imagine that a Bill could be framed before the 16th instant, founded on a report so laboured and extensive as that which had been presented.

The LORD CHANCELLOR observed that the Bill would probably contain money clauses, which would render it not so fit to be introduced into that House as into the House of Commons.

Lord BROUGHAM said, that no objection could arise on the ground that the Bill contained any money clauses, for it was quite common for money clauses to be omitted from Bills begun in the House of Lords, and to be afterwards inserted in the House of Commons.

The LORD CHANCELLOR begged to assure his noble and learned Friends who had spoken on the subject that their suggestions should receive every respect and consideration; but he could not say at present whether he should recommend the Government to introduce the Bill into their Lordships' House.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, February 6, 1852.

Minutes.] Public Bill—1° Suitors in Chancery Relief.

THE QUEEN'S SPEECH—HER MAJESTY'S ANSWER TO THE ADDRESS.

Lord MARCUS HILL appeared at the bar, and being called on by Mr. Speaker, said: I have to state, that in obedience to the commands of this House, I have had the honour of waiting on Her Majesty, and presenting the Address of this honourable House, to which Her Majesty has been graciously pleased to return the following Answer:—

> "I have received with much satisfaction your loyal and dutiful Address.
>
> "You may rely on My earnest desire to co-operate with you in your endeavours to promote the welfare and prosperity of all classes of My subjects."

WESTMINSTER BRIDGE.

Lord SEYMOUR laid on the table the Report of the Commissioners appointed to inquire into the best and most convenient site for building a new bridge at Westminster.

Sir ROBERT H. INGLIS said, he would take this occasion of asking the noble Lord, whether, in compliance with the recommendation of the Commissioners, confirmed as that recommendation had been by the Reports of two successive Committees of that House, he was at present prepared to bring in a Bill for transferring to the department over which he presided the property of the trust estates of Westminster bridge?

Lord SEYMOUR said, the result of the Commission was, a Report recommending that a new bridge be constructed at Westminster. In accordance with the recommendation of that Report, he had given the regular notices, so that he might be enabled, if Parliament should seem to wish the matter to be carried out according to the recommendation of the Commission, to bring in a Bill for the purpose. In bringing in the Bill which would be necessary for constructing a new bridge, he intended to introduce some clauses to transfer the property of the Bridge Commissioners to the Commissioners of Works. He did not think it necessary to have separate Bills for the two objects, but it was desirable to wait till the Report should be in the hands of Members, in order to see whether it was the general feeling of the House that a Bill should be introduced in accordance with the recommendation of the Commissioners.

On Question, "That the Report be printed,"

SIR ROBERT H. INGLIS begged to ask the noble Lord whether he could state at what period the Bill would be introduced? because it was very clear, that, if the Report of the Commissioners were carried into effect, no time ought to be lost in preparing and introducing such a Bill. He apprehended that there would be no objection whatever to the introduction of such a measure; and as the season would soon be advancing, and the necessary preparations ought to be made, he trusted the noble Lord would not delay it.

LORD SEYMOUR said, he would give notice on an early day.

Report ordered to be *printed.*

OUTRAGE ON A BRITISH SUBJECT AT FLORENCE.

LORD DUDLEY STUART said, he rose to put a question to the noble Lord at the head of the Government, of which he had given notice. There had appeared in all the public papers a statement with respect to an outrage committed on an English gentleman travelling in Italy, at Florence, by the Austrian soldiery stationed there. It appeared that a gentleman named Mather, happening to be in the street at Florence when a regiment was passing, inadvertently got into the way of the soldiers, and suddenly found himself struck with the flat of a sword by one of the officers. Turning round to ask what was the occasion of this assault, he received from some person a blow of the fist; and while he was reeling under the effects of that blow, and in the act of falling, the officer who first struck him, and who was in command of the troops, cut him down, inflicting a very severe wound upon his head. It did not actually fracture his skull, but it appeared that it was not far from so doing, and the unfortunate man was left weltering in his blood in the street. He was taken up by some passers-by, and carried to the hospital, where he remained for a considerable time; and it was proved that the wound he received was of a very serious, if not of a dangerous, nature. It was also stated that the gentleman representing this Government at the Court of Tuscany, the Secretary of Legation, made representations to the Austrian commanding officer, and also to the Government of Tuscany respecting the assault of Mr. Mather; but his representations were met by evasive answers, and in fact redress was refused, it being stated by the Austrian military authorities that the officer who struck him would have done quite right if he had even put the man to death, such being their rule with respect to any person who got in the way of the soldiers. He wished, therefore, to ask the noble Lord if he had taken any steps to procure redress for this gross outrage on a British subject, and whether he had obtained what he considered proper satisfaction, or if he intended to take any other steps for this object?

LORD JOHN RUSSELL: Sir, in reply to the question of the noble Lord the Member for Marylebone, I beg to state that the account which has appeared in the papers of this transaction, is, I believe, very nearly a correct one. There is no difference between the English account and the Austrian, except as to one or two points. It appears that the gentleman was walking behind the band of the regiment, listening to the music, and that there was some obstruction in the street which brought him near the officer who was in command of the troop. The officer struck him with the flat of his sword, and he turned round and was about to complain, when he was struck on the face by another officer. Then, according to his own account, he put up his hand to his face to cover it, and immediately the officer who had first struck him, and who was in command of his troops, cut him down with a stroke of his sword. He bled very much, and was taken to the hospital. This is the English account. The Austrian account, so far as I understand it, is that, in the first place, it is the usage of the Austrian army not to allow any officer to be insulted when on duty in command of troops, and that some officers have been obliged to leave the army in consequence of having submitted to what was considered an outrage. That in this case the officer in command of a regiment, finding that he was prevented from proceeding at the head of it, owing to a person who was before him, and who, as he conceived, from the shape of his hat, was an Italian Liberal, thought that this person meant to insult him, and touched him with the flat of his sword, desiring him to get out of his way; that the person did not do so; that another officer then interfered and struck him on the face; that then the party (and this is the chief difference between the English and Austrian accounts) put himself into an attitude of aggression, and, as the officer conceived, meant to insult him; and that then the officer struck him down with the sword, being, as he alleges, obliged by the rules of his service so to resent any insult offered to him at the head of his troops. However, the result was, that this gentleman, who was quietly walking between the band and the regiment, and did not intend any insult, was seriously injured, and was for some days in the hospital under medical treatment. It appears that the Austrian officers now say that they were mistaken, on their part, in presuming that an insult was intended by Mr. Mather. I should have thought, Sir, that when once aware that there was no intention of insulting the officer they would have been ready to offer any reparation in their power. However, it was not so, and the gentleman was told he must say he did not intend any insult before any apology could be offered. This he, of course refused, and demanded a judicial inquiry, which has been granted by the Tuscan Government, and is now proceeding. My noble Friend now at the head of the Foreign Office (Earl Granville), as soon as he heard of the affair, and before receiving any report from Florence, wrote to desire that the circumstances should be inquired into and redress required; but the British resident had already taken steps to comply with the request of the injured gentleman to procure a judicial investigation of inquiry. I have not yet heard the determination arrived at; but undoubtedly this gentleman is entitled to reparation for the injury he has sustained.

BOARD OF INLAND REVENUE—THE STAMP ACT.

Mr. MILNER GIBSON said, he wished to put a question to the right hon. Chancellor of the Exchequer. During last year a prosecution was instituted by the Board of Inland Revenue against the publishers of a work called *The Narrative of Current Events*, edited by Mr. Charles Dickens. The Board of Inland Revenue having prosecuted Messrs. Bradbury and Evans for publishing that work without a stamp, the Court of Exchequer decided that it was not liable to the stamp duty. This decision, as he was informed, had not given satisfaction to the Board of Inland Revenue, who were still of opinion that monthly publications were liable to the duty, and the public were yet in doubt whether, in case they were to act upon the decision of the Court of Exchequer, the Board of Inland Revenue might not institute another prosecution for the purpose of getting a reversal of the recent decision. The decision of the Court of Exchequer was, that a person might publish news without a stamp, provided the publication did not take place oftener than once a month; but the Board of Inland Revenue held that the publication of news at all, even only on one occasion, still rendered a work liable to the stamp duty. He begged to ask whether the Government intended to institute any fresh prosecutions, and also whether they intended to bring in a Bill for the purpose of settling the doubts which had arisen with reference to the Newspaper Stamp Act since the decision given by the Court of Exchequer?

The CHANCELLOR of the EXCHEQUER said, that it was impossible to give an answer in a case involving legal points unless notice of the precise nature of the question was given; and, as he had only received a general notice of the right hon. Gentleman's intention to put some question with reference to duties, he was not prepared to say whether the right hon. Member had correctly stated the decision of the Court of Law. He might say, however, that the Government had no intention at present of taking any steps with the view of reversing the decision of the Court of Exchequer.

Lord JOHN RUSSELL said, that some particular points of the decision to which the right hon. Member for Manchester (Mr. M. Gibson) had referred, were now under the consideration of the law officers of the Crown, and no final determination could be come to by the Government on the subject until the law officers had given their opinion as to what course should be taken.

THE QUEEN'S SPEECH—A SUPPLY.

Motion, "That a Supply be granted to Her Majesty."

Queen's Speech *referred.*

House in Committee.

Queen's Speech read.

Mr. HUME said, that the Motion was a very proper one, and he hoped that the House would agree to grant the supplies necessary. All that he asked was that the Estimates should be laid upon the table of the House at as early a period as possible, in order that there might be ample time for their consideration; and as it had been said that the militia were to be called out, and a considerable expense was to be incurred, he had to express a hope that the Government would not incur any expense on this account until the question had been discussed by the House as to the propriety of enrolling such a force. He believed himself that the time for the militia was now gone by, and that a force could be obtained which would be at once more efficient and more economical.

SIR GEORGE GREY said, that no expense would be incurred on account of the militia until the Government had taken the opinion of the House upon the subject, with the exception merely of the charge of the inspection and drilling of the militia staff from time to time.

Resolved, "That a Supply be granted to Her Majesty."

COURT OF CHANCERY—SUITORS IN CHANCERY RELIEF BILL.

The SOLICITOR GENERAL rose to move for leave to bring in a Bill for the relief of the Suitors in the Court of Chancery. He was aware that some apology was required for prefacing by any remarks the introduction of a Bill which was not likely to meet with any objection; but he was anxious to take the first opportunity of stating briefly to the House the course of measures which it was in the contemplation of the Government to take for the amendment of those abuses and grievances which had for a long time existed in the Court of Chancery, in which, he was happy to say, so much interest of late years had been taken by that House, and to which such pointed allusion was made by the hon. Baronet who moved the Address in reply to Her Majesty's gracious Speech from the Throne. The hon. Baronet was, perhaps, somewhat carried away by the warmth of his own feelings in respect to the case, in which, although not a party concerned, he was still deeply interested; but of that warmth he (the Solicitor General) was not disposed to complain, because he took it to be only a mark of that general discomfort and dissatisfaction which must be felt by a great proportion of the suitors of that Court with respect to the heavy expenses and long delays to which they were subjected. He thought, however, that he had a right to complain of the hon. Baronet's remark, that he had little hope that the numerous lawyers who occupied seats in that House would take steps for reforming the Court of Chancery, because it was not likely that those who benefited so largely by the profession would be willing to reform its abuses. Now he must say that that remark was unworthy the talents and character of the hon. Baronet, and he trusted that on reflection he would think that he was scarcely justified in making such an observation, for he was sure that it was not from any want of anxiety on the part of the members of the profession that the Court of Chancery had not long since been reformed. Every step that had been made towards its reform had been taken—as it almost necessarily must be—by members of the profession. He need not remind the House how long the names of Mackintosh and Romilly were associated with those legal reforms which they attempted from time to time without result, owing to the determined inertia of the House. Lord Brougham afterwards took the same cause in hand, and succeeded in effecting considerable reform; and since that time a number of Committees had been appointed on the motion of members of the profession in that House for the investigation of grievances connected with the administration of the law; and the Bill to which he now wished to call the attention of the House was founded upon the Report of a Committee of that House, appointed to consider the whole subject of the fees of the Courts of Law and Equity. This was the first of the Bills that were to be brought forward to remove the abuses of the Court of Chancery—it was but the first—and had been prepared under the direction of the Lord Chancellor, to carry into full effect the recommendations of that Committee; and he believed that its result would be a most material relief to the suitors, not merely from the actual expense, but from the annoyance attendant upon the payment of the numerous fees now levied in that Court. This Bill would be followed by another, of a still more efficient character, founded on the Report of the Commissioners appointed by Her Majesty to inquire into the whole subject of the Court of Chancery, which was laid upon the table on the first day of this Session; and he trusted that it would be found to afford very efficient relief—he did not say complete relief, for that could hardly be expected in the present state of the proceedings—but a very large and effective benefit and relief to all those who had the misfortune to be involved in litigation in that Court. It would be remembered that a Committee was appointed in 1846, on the Motion of his learned Friend, Mr. Watson, then Member for Kinsale, to inquire into the subject of fees in the Courts of Law and Equity; and that Committee made a Report, upon which considerable reforms were adopted with respect to the system of fees in the Courts of Common Law. That Committee was renewed in 1847, in the present Parliament, upon the Motion of the present Master of the Rolls, and it had made two Reports; one of the evidence taken in 1848, and the other upon the remedies to be applied to remove existing abuses, in 1849. During the year 1850 it was in contemplation to bring in a Bill to carry into effect the recommendations contained in the Report, and the subject then occupied much of the attention of Lord Cottenham; but his unfortunate illness prevented his completing the work, which was therefore delayed until the appointment of the present Lord Chancellor. In consequence, however, of the arrear of business which had accumulated during the illness of Lord Cottenham, and of the numerous Bills which required attention during the last Session, the Lord Chancellor was not then able to turn his attention to the subject of the present Bill. During the recess, however, he had gone carefully through the Report of the Committee, the recommendations of which, with one unimportant exception (in which he thought the Lord Chancellor rightly differed from the Committee), were to be carried into effect by the present Bill, which would also contain some most important provisions not included in the Report. The suitors in the Court of Chancery complained of the whole fee system as being highly objectionable; and it had long since been strongly recommended by Committees of that House that the officers in the courts of justice should be paid by salaries and not by fees. Fees occasioned no inconsiderable trouble in the collection, besides the temptation which they offered to those who collected them, if they received them for their own use, to multiply the various forms on which they were payable; and, on the other hand, if they did not receive them, but paid them into a fee fund, there was serious temptation in connection with the accounting for them. Fees too were always an obstruction to reform, because at every step there was a "vested interest" to be encountered. The Committee, on investigating the fees payable in the Court of Chancery, arrived at this startling result—that the number of fees paid in the various offices had amounted in the course of a year (on a rough calculation) to 333,000, each entailing the annoyance and trouble of a separate payment, in addition to the expense. Some of these fees, indeed, were of such a minute character that in one instance 298*l.* had been paid for fees in no fewer than 392 payments. There were ninety officers in receipt of these fees, and therefore that number of persons to be applied to for the purpose of making payments, and of these only forty accounted on affidavit for fees received by them, the fees received by the other fifty being merely accounted for by their superior officers, who stated that they had received a return from the inferior officer, which they believed to be correct. The Committee were of opinion that the whole of this system should be abolished, that all the officers should be paid by salary, and that some system should be instituted by which, instead of receiving these fees at various offices, the whole might be more economically collected in one payment, by which more effectual security might be obtained against any possible irregularities in the accounting for them. According to this Bill, the officers would in future be paid by salaries, and the fees would be levied by stamps, which would be issued to parties requiring them, and would obviously leave no room for fraud, and would not subject the parties to the necessity of applying at so many various offices to pay fees. The Committee found that the tax on suitors by fees amounted to no less than 150,000*l.* per annum, or, including the further sum they had to pay for office copies, to 180,000*l.* But the grievance did not rest here. The House must have heard several times of the "suitors' fund," of which the report of 1849 gave a full account, and which was formed in the following manner:—A large quantity of cash is at all times standing to the credit of the Accountant General in Chancery, which is not required at the particular moment to be invested in stock for the purposes of the cause out of which the deposit may have arisen: in fact, it very much represented the cash deposited by customers with a bank, and of which they had not required investment. The money was liable to be paid out by the Accountant General at any moment when demanded in the proper course of proceedings in the Court; but still the various transactions of the Court must always leave a large sum of money in his hands, not requiring to be invested. In the reign of Geo. II. an Act was passed authorising the Accountant General to invest 32,000*l.* of this floating cash, in order that a profit might be made of it to be applied to the payment of the officers of the Court; and Acts had since been passed at various times by which this floating cash, standing to what he might call the first account, amounted to 2,590,000*l.*, chiefly invested in the Three per Cent Consols, and the remainder in the Three-and-a-Quarter per Cents. In 1792, however, another Act was passed for the investment of a further sum of money, being the accumulated surplus dividends (after paying the officers of the Court) of the former fund, under the title of the "suitors' surplus fund." This second fund now amounted to 1,240,000*l.* so that the two funds together gave a total of 3,800,000*l.*, or nearly 4,000,000*l.*, arising from the money of the suitors so deposited in Court. Now, the income of this fund, amounting to about 112,000*l.* a year, was applied for the payment of the various officers of the Court, and amongst others for the payment of that part of the Lord Chancellor's salary which he received independently of his office as Speaker of the House of Lords, and for the payment of the salaries of the two Lords Justices, and of the Vice-Chancellors created by the Act of 1841; so that the suitors supported the Judges who had to administer justice in the Court, and who, upon every principle, ought to be provided at the public expense to administer justice to all whose rights were disputed; it was contrary to all principle to tax the suitors with the maintenance of the Court, to oblige those who had the misfortune to be involved in litigation to maintain the judicial system. In criminal matters it was not attempted to make the man robbed on the highway pay a fee to the Judge. The principle was intelligible enough upon which such a fund might be properly applicable to the support of what he might call the administrative jurisdiction of the Court of Chancery, which was exercised in consequence of a large number of persons desiring the Court to administer their property, and, in fact, making the Court their trustee. Now, it was but reasonable that these persons should contribute (as they did largely) to the expenses incurred in the management of the trust. The following, however, were the sums now paid to the Judges out of this fund: The Lord Chancellor, 6,000 (in addition to 4,000*l.* received as Speaker of the House of Lords); the Lords Justices (6,000*l.* each), 12,000*l.*; and the Vice-Chancellors appointed under the Act of 1841 (5,000*l.* each), 10,000*l.*; making a total of 28,000*l.* Now, when the Bill for the appointment of the Lords Justices was under discussion last year, a question was asked whether it would not be better to make their salaries payable out of the Consolidated Fund; and the noble Lord at the head of the Government then stated (and his reply was received with general approbation) that he had it under consideration whether all the Judges should not be paid out of the Consolidated Fund. That was the course proposed to be pursued by the present Bill. This Bill would transfer the payment of this 28,000*l.* from the suitors to the Consolidated Fund. Besides relieving the suitors from the payment of a great variety of fees, this measure would also release them from a variety of payments for "office copies" and otherwise; and it was moreover proposed that they should no longer be compelled to take office copies at all from any of the offices from which they took them under the existing system—a system which led to an unnecessary multiplication of copies, and the payment of "despatch money;" and in future the practice in Chancery would be the same as at common law, where the attorneys mutually exchanged copies of such documents as they required. But it should be here stated that this question had occupied the attention of all the late Chancellors, beginning with Lord Lyndhurst; and by orders of him, and of Lords Brougham and Cottenham, the former charge of 1*s.* 6*d.* per folio had been reduced to 4*d.*, effecting a saving of 28,000*l.* a year. While the Bill for the appointment of Lords Justices was under discussion last year, the Lord Chancellor took into consideration the question whether, having regard to the extent of the suitors' fee fund, which presented annually a considerable surplus, he could not effect a considerable reduction in the fees payable by suitors, and he made orders which it was calculated would give a further relief to suitors to the extent of about 20,000*l.* by the reduction of fees which he thought no longer necessary for keeping up the fund; and with such nicety had the calculation been made by Mr. Johnson, the able solicitor to the suitors' fee fund, that in the result there was only a deficiency of 1,128*l.* That deficiency was not of any importance, because there was power to supply any deficiency in the suitors' fee fund from the suitors' fund. Now, the surplus of the suitors' fund amounted annually to 33,000*l.*, and adding to that the 28,000*l.* to be transferred by this Bill to the Consolidated Fund, there would be a surplus of upwards of 61,000*l.* or of 60,000*l.*, after making up the deficiency in the suitors' fee fund. That being the case, the Lord Chancellor was prepared, immediately on the passing of this Bill, to make a further remission of 50,000*l.* in fees to the suitors. The suitors' fund would still be contributing 112,000*l.* towards the administrative branches of the Court. But further, the Committee which had sat upon this subject had pointed out a variety of offices in the Court of Chancery, in regard to some of which they recommended the abolition, while in other cases they had merely stated the facts connected with the office, leaving it to the Lord Chancellor to consider whether he could not fairly and with propriety dispense with some of them; and his Lordship had, in every such instance, carefully considered whether it would be possible to make any reform, or dispense with the office. The Committee recommended the abolition of the offices of the Master of the Reports, the Clerk of Accounts, and the Affidavit Office, which was to be transferred to that of Records and Writs. It pointed out also a number of offices still paid by fees. It had, amongst other things, been said in that House, that the Lord Chancellor's six Secretaries were much too large a staff even for the business of that important office. Now the first of these Secretaries was his Lordship's Private Secretary, and could not be dispensed with. The Secretaryship of Decrees and Injunctions would be abolished; but this was rather a name to frighten the House withal, than anything more, and no great credit could be taken for abolishing the office, for the saving thereby to be effected was only 50*l.* There were next two Secretaries not connected with the Court of Chancery—those who undertook the business in connection with the Presentation to Livings, and with the Commission of the Peace. These offices were now full, but it was the intention of his Lordship to consolidate them, when either fell vacant. The next was the Secretary of Lunatics, but though so called, he never performed the functions of a secretary; he was in truth a registrar. He never even signed the petitions presented. He would be continued under his proper name, "Registrar in Lunacy," being absolutely required for the discharge of the duties of that office. The remaining office, the Secretary of Bankrupts, was very justly complained of. He was paid by fees, but by an arrangement with Lord Cottenham he accounted for all that he received above 1,200*l.*, so that it might be taken that he had a salary of 1,200*l.* There was also a Chief Registrar in Bankruptcy, with 1,200*l.* That office having fallen vacant, it was proposed in a former Session to make the Secretary in Bankruptcy perform its duties; but a Select Committee appointed to consider the subject, at the instance of the hon. Member for Oxfordshire (Mr. Henley) having reported that neither office was necessary, he had now to state that the Secretary had very honourably, at the instance of the Lord Chancellor, resigned his office without any compensation; and that the office would not be filled up. A saving of 2,400*l.* would, therefore, be effected by the abolition of these two offices. Then, there were some officers about whom the right hon. Member for Ripon (Sir James Graham) had made anxious inquiries—Chaff-Wax and Deputy Chaff-Wax, the Sealer, and the Patentee of Subpœnas. These offices, by an Act passed early in the reign of Her present Majesty, were directed to be abolished at the death of their then holders; but it was proposed by this Bill to abolish them at once, paying compensation to the parties holding them. The following offices were also to be abolished: The Lord Chancellor had two Gentlemen of the Chamber, at 700*l.* a-year each; one of these offices only was full; but the Lord Chancellor had appointed to that office a gentleman who was of the utmost assistance to him, and really much required by him in the discharge of his manifold duties—amongst others, in looking into the various cases referred to, and matters of that kind. He knew as a matter of fact that that gentleman was actually employed until one o'clock to two o'clock in the morning in his duties. The office of the other Gentleman of the Chamber it was proposed to abolish, and to reduce the salary of the remaining Gentleman from 700*l.* to 500*l.*, which would not be more than sufficient to remunerate him for the performance of his duties. The office of Deputy Sealer, who had a salary of 289*l.*, was to be abolished. It was also proposed to abolish the Clerk of Affidavits at 1,000*l.* a year, the Assistant Clerk at 800*l.*, and the Second Clerk at 400*l.* The Clerk of Reports had an income of 660*l.*, arising from fees, and 200*l.* arising from salary, and his office was to be abolished, which would make a saving of 860*l.* a-year, subject, however, to a payment of 400*l.* to be made to the person who would undertake the duties which that gentleman had really to perform, so that the saving thus made would in fact amount to 460*l.* a year. The office of doorkeeper of the Court of Chancery—salary 347*l.*—was to be abolished; the usher of the Court, with 300*l.* salary and 127*l.* fees, making together 427*l.*, was to be abolished; so that the offices which were for the first time to be abolished by this Act would produce a saving of 4,881*l.* a year, or in round numbers about 5,000*l.* a year, subject, of course, to compensation to some parties. The saving that would be effected in the other offices to be abolished by this Act, which would terminate with the lives of the present holders, amounted to 1,838*l.* a year, making a total of 6,900*l.*, or nearly 7,000*l.* a year. But besides that, the Committee had recommended another important reduction. The Accountant General of the Court of Chancery was paid in perhaps not altogether a satisfactory manner. He received a salary of 1,500*l.* a year, 400*l.* of which was paid to him as a Master in Chancery, and the remainder as Accountant General in Chancery. He performed the duties of Messenger to the House of Lords, as the other Masters did, and conveyed their messages to the House of Commons; but, besides that salary, the Accountant General of Chancery, by an arrangement with the brokers of the Court, received three-fifths of the whole brokerage charged to suitors in respect of various transactions in stock to the Court of Chancery. The brokerage was one-eighth per cent; and of that one-eighth per cent, the broker only received two-fifths, and the Accountant General three-fifths. That was a system that had existed for more than a hundred years; it was not recently introduced by the present Accountant General; and the result of the payments so made to the Accountant General was somewhere about 3,700*l.* a year, making a total income of about 5,270*l.* a year. It was proposed at once that an arrangement should be made with the present Accountant General—that, instead of being paid by the present system of brokerage, he should be paid by salary; and that, on a vacancy occurring in the office, the future income of the Accountant General should be 3,000*l.* a year, thus effecting a saving to the suitors of over 2,000*l.* a year. That income would not be found excessive, when they looked to the vast quantity of transactions that took place in the Accountant General's office. In the course of a year there were nearly 46,000 cash transactions going on in the Accountant General's office, whereby his constant attendance there was required; and it was thought that his salary should be fixed at the amount just stated. The total of all these savings would be 8,900*l.*, or, in round numbers, 9,000*l.* a year; so that, in addition to the 50,000*l.* a year already mentioned, from which they would be able at once to relieve the suitors, they would be able, when those changes were effected, to relieve the suitors from the payment of about 10,000*l.* a year more. Further than that, the suitor was burdened now because the fee fund was charged with a high amount of compensation by the reduction of the "Six Clerks." That compensation amounted to about 47,000*l.* a year; the entire amount of compensation was about 48,000*l.* or 49,000*l.* a year. When that compensation expired, there would be in addition to the 50,000*l.* a year, and to the 10,000*l.* a year before mentioned a reduction of over 40,000*l.* a year more, making altogether about 100,000*l.* a year. He hoped the ultimate result of the arrangements would be carried so far, that the suitor would be relieved entirely from all payments for fees of court, and that the only contribution he would have to make would be that derived from the investment of his own money, of which he could scarcely complain, as he was making the Court of Chancery his banker and trustee; and the Court of Chancery only received the profit that an ordinary banker should receive whilst defraying the expenses of the trust, and carrying it into effect for the benefit of the parties. It would be seen from that statement that the Bill might well be termed "A Bill for the Relief of Suitors in the High Court of Chancery." There was, however, an exception in its provisions from the recommendations in the Report on which the Bill was founded: the office of Clerks of the Accounts and that of the Master of Reports was not to be abolished. The reason why the Committee recommended the abolition of the office was this

—they found that the gentleman who filled the office of Master of Reports had ceased to attend the office, and the Committee naturally concluded that when he did not attend the office, it did not require his attention. The Clerks of Accounts checked the Accounts of the Accountant General's Office. They went through the whole of the accounts, of which they had a transcript corresponding with the transcript in the Accountant General's Office; and before a check was issued from the Accountant General's Office it was passed through the office of the Clerks of Accounts, and thus they were able to correct, if necessary, any cheques that were drawn to the credit of the parties. The cheque was then taken to the Bank of England to be cashed. The Bank of England had also a book of their own, and it seemed to the Committee that if the Bank of England had a book, and the Accountant General had a book, there could be no chance of a mistake by overdrawing the account, and therefore that the intermediate check might be dispensed with. The Committee had no reason to know what took place in the Account Office. Unfortunately the Master of Reports was unable to attend his office from infirmity; they only got their evidence, therefore, from the Accountant General's Office, and did not examine any of the clerks of the Account Office. The Lord Chancellor saw the recommendation of the Committee, but did not think there was sufficient evidence to satisfy his mind that the office should be abolished. Therefore, he called for the Clerks of Accounts and examined them, and asked the result of the check they exercised, and if it were an efficient one; and he (the Solicitor General) was bound to say that from the evidence which the Lord Chancellor so obtained, he was obliged to come to the conviction that, as Members of the Committee, they were all somewhat hasty in coming to the conclusion they did. He held in his hand a list of errors discovered in that office—he would not fatigue the House by going into a detail of them—but he might say these were all instances of accounts being overdrawn. There was one instance where the amount was 634*l.*, in another instance 346*l.*, in another 900*l.*, in another 293*l.*, and in another 128*l.* The list was a tolerably long one, and the sums were in the aggregate of considerable amount. The evil resulting from these errors being undiscovered would be this—the parties getting the cheque would no doubt be refused payment at the Bank if his account were discovered to be overdrawn; but he might very easily get money from anybody on the cheque—he might get it cashed by anybody to whom he applied, and the party who cashed it, on going to the Bank of England, would not be paid. It would be some discredit also to the Court of Chancery if its cheques were overdrawn; the Accountant General could not well be blamed, for they must recollect that he had to deal with accounts 46,000 or 47,000 in number; and it was desirable that there should be some existing check to prevent it. It was on these grounds that the Lord Chancellor considered that this office could not be abolished. He had gone through the recommendations of the Committee, and had stated the mode in which they proposed to carry them out as regarded the Court of Chancery, but he had not yet touched upon lunacy. With reference to the mode of raising fees, there was a great discussion in the Committee as to the best mode of raising them. They desired ultimately entirely to abolish them; but in the meantime it was a great object to consolidate them, and have them paid at fixed stages of the case, and put an end to the numerous and ridiculous small payments now required. The Lord Chancellor proposed to take a power to fix and regulate those fees, as they could not be regulated at once by the Act, because it required judgment and consideration to do so. The Committee had recommended, that, if necessary, a per centage should be allowed out of the monies paid into Court to raise one-half of the fees which it might be requisite should be paid; and he (the Solicitor General) admitted that that point was not carried as unanimously as other points in the Report. He then saw an hon. and learned Gentleman (Mr. Walpole) who objected to it; it was also objected to by the Vice-Chancellor Turner, who then represented the city of Coventry; but there was a majority of the Committee in its favour. The Lord Chancellor, seeing that, proposed to take a power to raise the funds required for the purpose; but it might not be necessary for him to exercise that power, because it was thought that the different fees, when properly adjusted, would meet any demands for the purpose. In lunacy, however, he thought the best mode of raising the fund would be by this very per centage. There was no objection to it in lunacy, because the business was not contentious, but merely the administration of an estate by the Lord Chancellor as a trust. The property was vested in the Crown upon the commission finding the party lunatic, and the Crown held it upon trust to administer it. There was no reason why the estate to be administered should not be at the expense of administering it, but there was reason why the present system of fees should not be continued, because by the present system every estate, large and small, paid equally. He would give the House two instances to explain the monstrous hardship which was thus inflicted upon persons having a small estate. One was the case of a lunatic who had been clerk to a solicitor, and who had realised by his savings about 1,500*l.* That was his whole property. The expense in respect to that commission amounted to 216*l.*, and of that, 216*l.*, 55*l.* 2*s.* 6*d.* were the actual fees which his estate had to pay into Court. So that in that small estate the party had to pay 55*l.* 2*s.* 6*d.* into Court, being the same amount that another lunatic possessing 14,000*l.* or 15,000*l.* a year, would have to pay. There was another instance, where the party had originally filled the situation of a lady's-maid, and had saved 800*l.* The expenses amounted to 183*l.*, and the fees paid into Court amounted to 58*l.* 9*s.* 2*d.* for that small estate. It was proposed, with reference to lunacy, that the fees required, which amounted altogether to 6,000*l.* or 7,000*l.* a year, should be raised by a per centage on the estate of the person whose estate was to be administered. He thought he had stated to the House the principal features of the Bill. There were minor details with which he would not trouble the House, because they would see them as soon as the Bill was printed. He would state one circumstance with reference to this Bill which would lead him to make a remark upon the other measures that were contemplated. This Bill as originally framed contained some clauses with reference to the Clerks' and Masters' Offices. These clauses had been withdrawn from the draft of the Bill for this reason: a Report of the Commission appointed to inquire into the proceedings of the Court of Chancery, had been presented and laid upon the table of the House on the first day of the Session. [*Parliamentary Paper, No.* [1437] *Session* 1852.] He was not then going to enter into the various subjects contained in the Report; but one of the recommendations contained in it was, that in future a large proportion of the business of the Masters' Office, consisting of the taking of accounts and other business, now solely performed by the chief clerk, should be performed by some officer of a similar character; that the litigious business of the Masters' Office should be performed by the Judges giving their opinion on the cases that arise at the Masters' Office; and that the third class of business, namely, business requiring discussion with reference to the property of infants, the appointment of guardians, &c., should be transacted by the Judge himself sitting in chambers. And he was happy to say that, having had on that Commission the advantage of the presence of three Judges of the Court, the Master of the Rolls, Vice-Chancellor Turner, and Vice-Chancellor Parker, the Commission found them not only concurring in all these propositions, but expressing their entire readiness to perform the additional labours that would be cast upon them by undertaking the transaction of this business in chamber. And the result would be, that if those various recommendations were carried out by the Legislature, it might be in the power of the Legislature to dispense with the office of Master in Chancery altogether; and they would have it in their power to obviate all those delays which were so often complained of—though the delays were perhaps somewhat exaggerated—by substituting a different mode of proceeding altogether from that of proceeding in the Masters' Office. All the clauses, therefore, which had reference to the Masters' Office were wholly omitted in the framing of this particular Bill that was now about to be laid before the House. But before he sat down, he could not help stating to the House the great satisfaction he felt in finding that it was in the power of Her Majesty's Government, in consequence of the exertions of the Commission (which had been made to enable some immediate action to be taken in the present Parliament), to bring forward a Bill that would go further towards the permanent relief of the suitors in the Court of Chancery than this present Bill, which simply relieved them from a certain amount (not inconsiderable) of pecuniary payments. They trusted to be able to introduce such a new system in the management of the Court of Chancery that the delays, which occasioned so much suffering and anxiety, and which were often felt as a far greater grievance than the expense of the suit itself, would be brought within such compass, that in all cases, except cases of administration, where the parties accepted the assistance of the Court, justice would be done in a period not exceeding the extent of a single year—that parties would be able to obtain speedy justice, and in such a shape that it would not only be speedy but much more cheap than in the mode in which it was hitherto had to be sought, and far more complete and effective when it is rendered. They would then be enabled to prevent parties from being bandied about from court to court; the business appropriate to other courts would be handed over to those courts; such business as the Court of Chancery undertook they would transact in a manner worthy of the highest court of equitable jurisdiction in this country, instead of conducting it as it had, unfortunately, been too much carried on till the present time, so as to reflect great discredit on the administration of justice. He scarcely hoped so early as on Monday week to bring forward the Bill to which he made reference; because, in consequence of the Report of the Commission having been made only a few days before the meeting of Parliament, the Bill was not reduced to such a shape as that he could entertain any reasonable expectation of being able to offer it on that precise day. But there would be no delay, as far as he was concerned, in doing what lay in his power to meet the most anxious desire of Her Majesty's Government to give effect to many recommendations of that Report; and he concluded by expressing the hope that when those recommendations were carried into effect, they would not be compelled, as before, to listen year after year to complaints of the Court of Chancery as a source of vexation and expense to suitors. The hon. and learned Gentleman moved for leave to bring in the Bill.

Motion *agreed to*. Leave given.

Bill to be brought in by Mr. Solicitor General and Sir George Grey.

Bill read 1°.

METROPOLIS WATER SUPPLY.

Lord SEYMOUR said, he was desirous at that early period of the Session to obtain leave to bring in a Bill respecting the supply of water to the metropolis; and he would take that opportunity of stating to the House the views he entertained upon the subject. He considered the House to be already in possession of sufficient information by means of Committees and Commissions, which had inquired into the subject during the last two years, to enable it to make up its mind upon the general principles of the measure which he proposed to introduce. He imagined that the results which the House would be desirous to attain were to supply the inhabitants of the metropolis with water of a good quality, in a sufficient quantity, and at a reasonable price. These appeared to him to be the three general principles that were required to be enforced. With regard to the quality of the water and the mode of distribution, a great deal of evidence had already been obtained. There was, first, the Report of the Board of Health, then the inquiry by the Gentlemen appointed by the Government to ascertain the quality of the water; and, lastly, there was the very laborious inquiry by a Committee of that House, and a large mass of reported evidence on the subject. There was one branch of the question, however, on which he did not think sufficient information had yet been obtained—he meant as to the rate of charge and the mode of assessment. He did not find in the evidence before the House, anything to guide them as to what would be a fair rate of charge, or the best mode of assessment. But the first question to deal with was as to the sources of supply. He thought it quite right, as far as that House was concerned, to say what were the sources from which water ought not to be supplied; and it was his opinion that sufficient evidence was already before them to enable them at once to say that the river Thames within the tidal influence was a source of supply which ought to be prohibited. There were some of the water companies that had already abandoned that source; but there were other companies that would be affected by such a prohibition, namely, the West Middlesex, the Grand Junction, and the Vauxhall Companies. This, however, was not a consideration of sufficient weight to prevent the House from giving powers to the Government to appoint an inspector to report on the quality of the water, and to found on such report, if deemed necessary, a prohibition of that source of supply. After the variety of evidence which had been given on the different qualities and properties of soft and hard water, he was not prepared to say that the quality of soft or hard was in itself a sufficient ground of prohibition. He thought the Thames water beyond and without the tidal influence would be found a very fit source of supply. The water of the New River also, and its various tributaries, if properly brought to the houses of the people, without being exposed in its course to any extraneous impurities, would, in his opinion, afford a good source of supply. To watch over the sources of supply to this extent, was in his opinion the duty of Parliament; but it was unnecessary there should be any further interference; and, if unnecessary, it would be unwise further to interfere. On that ground, therefore, he was opposed to the adoption of the course recommended by the Board of Health—that of only going to the sands of Surrey for a supply. He thought it would be unwise to lay it down that that should be the source of supply. It would, in his opinion, be much better to allow water to be brought from different sources, taking care, however, that whencesoever brought, it should be fit for consumption by the inhabitants of the metropolis. Means, also, should be provided for filtration at the reservoirs, and the reservoirs, if within the districts of town, should be covered, to prevent the admixture of anything objectionable. It should also be provided, in case any great majority of the householders in any district should require a constant supply of water, that that supply should be afforded. That, he conceived, could be done without any difficulty. One great objection to the present system was the insufficient supply of water to the houses of the poor. To obviate that evil he would propose that all houses rated under 10*l.* a year should be supplied with water at a fixed rate. On a comparison of the charges made for water supplied to the houses rated under 10*l.* a year in this metropolis with the charges made for its supply to houses similarly rated in other towns, it appeared to him that the charges in London were at present very high. In determining what the amount of payment should be in respect to that class of houses, it would be necessary to ascertain what was the rate of charge in other places. But on this subject he had not introduced any provision at present, as it would be necessary that the Bill should be referred to a Select Committee, where that matter could be more conveniently considered. After the passing of this Bill, it would be necessary for many of the existing water companies to come to Parliament for new Acts to enable them to comply with the terms of the Bill he now sought to introduce. It would then be for Parliament to renew the powers of those companies upon such terms as might be considered fair as between them and the public. One great question, however, remained to be noticed, and that was, to whom should the management and the direction of the water supply be intrusted? He at once declared that it was not his intention to propose that private enterprise should be excluded from supplying water to the metropolis. The Board of Health had recommended management by a commission, and a Parliamentary responsibility. He did not believe it possible, however, for Government, by means of Commissioners who should be responsible to Parliament, to superintend such a work to the satisfaction of the public. He should, for his own part, be very sorry to be answerable for the water supply of the metropolis. The Bill of last year on this subject recommended a fusion of the different existing water companies. He believed that a combination of the companies, and a concentration of the management, might be attended with considerable economy; but he did not think it was the duty of Parliament to require that such a combination should be effected. All that it behoved Parliament to do was to require that water should be supplied of good quality, in sufficient quantity, and at a cheap rate. The companies had better be left to act separately, or in conjunction, as they should find best. Another proposition had been made, which was that the management of the supply should be by means of a municipal corporation. Now, in the first place, it should be remembered that there was no municipal corporation existing in this metropolis to whom that management could be confided. The first thing they would have to do, if the proposition were adopted, would be to create a corporation; and he questioned very much the expediency of creating corporations for such a purpose. Its first duty would be to provide new sources of supply, and new means of distribution. Now, to do that would be something very different from undertaking the management of establishments already in existence. If municipal bodies, inexperienced as they would be, were to be suddenly called together—divided, as doubtless would be the case, by party feeling—to provide for the supply of water to the inhabitants of this town, great delay in the first place would unquestionably arise. He was the more convinced of that from seeing what had been the effect of a like management in other towns. Last year a Committee of that House went into this subject at great length, and it appeared that many corporate towns which had the power of supplying water to the inhabitants had totally failed to do so, and that in many cases where they had undertaken to do it, they had done it very ill. When he observed that the city of Edinburgh, the people of which were as attentive to their own interests as the inhabitants of this metropolis, and which had corporate power to govern its own water supply, rather than undertake the task, had abandoned it to a private company, and that to the entire satisfaction of the inhabitants, he thought he was furnished with strong evidence that private companies, under proper control, might conduct such works with great advantage to the public. But, whether the water supply were undertaken by companies or by municipal corporations, he should be equally inclined, on the part of the Government, to impose the same conditions upon them: namely, that the source of the supply should be under the inspection of the Government; that the supply should be ample; that means for filtering the water should be provided; that the reservoirs should be covered; and that the rate of charge should be under the control of Parliament. From the observations he had already made, it might be gathered, that for the carrying out of this work he had rather more hopes from the companies than he had from municipal corporations. The large works undertaken by the Lambeth Company did them great credit, and embraced most of the requirements that could be expected from any company. But the question really was, not whether Parliament should allow municipal bodies to undertake the supply of water, but whether it should proceed further, and absolutely prohibit private companies from undertaking that supply. Now, he certainly was not prepared to take that step, and to say that on no account would he allow any private company to supply the metropolis with water. The great objection to private companies was, that they would have to look to their own interests, and would be tempted to have an eye to the question of dividends rather than to the public benefit; but he thought, if that House obliged such companies to obtain new Bills, and took care that in such Bills proper clauses were introduced, the public would have every security that they would require; and so far as carrying out the works was concerned, he believed those companies would carry them out with more efficiency and economy than any municipal corporation, while the necessity of incurring rates for a large expenditure in the first instance would be obviated. The object of the Bill which he now proposed to bring in was, in fact, directed towards the consumer. It sought to protect the consumer from bad water, from an insufficient supply, and from extravagant charges. He had been at the pains to obtain returns on this subject from all the large towns in the country, and he found the mode of charge for water was so different in the provincial towns and in the metropolis that he thought it better not to attempt to introduce a scale of rates until he had obtained further evidence on that subject. He found the Lambeth Company, who recently introduced a new scale of charges, had since thought it prudent to abandon it, and to adopt another. He proposed, therefore, when the Bill was before Committee, to take some further evidence on the subject of the mode of rating to be adopted. There was one mode of supply which had attracted some attention lately: he meant that which was acted upon by the Croydon Company; and if that company could furnish water in sufficient abundance, and at a cheap rate, they would undoubtedly confer a great advantage on the public; but he had not sufficient information respecting the cost of that supply, and therefore he could not adopt that scale of rates. The Bill which he sought to propose was in its general outline and character a controlling Bill. It was a Bill which did not propose to undertake the management of the supply of water; it left that to private companies, and if those companies would not assume it, public bodies might undertake it; but whoever undertook it, the Bill proposed some inspection and control on the part of the Government, with a view to the supply being regulated in conformity with its provisions, and so as to meet the necessities and the means of the citizens at large. The noble Lord concluded by moving leave to bring in the Bill.

Leave given.

Bill ordered to be brought in by Lord Seymour and Mr. Cornewall Lewis.

Bill read 1°.

METROPOLIS WATER SUPPLY AND DRAINAGE.

Mr. MOWATT said, he rose to ask a similar leave to that of the noble Lord, namely, to bring in a Bill purporting to have the same object—the better supply of water to the metropolis, and the adoption of a better system of drainage. He would take up very little of the time of the House in explaining the necessity for the introduction of some such measure as that, for he thought it would be admitted on all hands that there was a very great want for an amended system of supplying the metropolis with water, and also an amended system of drainage. Indeed, the very fact of the noble Lord bringing in a Government Bill, released him (Mr. Mowatt) from the necessity of establishing that proposition. There was, however, an essential difference between the Bill of the noble Lord and that which he (Mr. Mowatt) proposed to bring in. The noble Lord said very properly that his Bill was only controlling and permissive; whereas his (Mr. Mowatt's), while providing expressly for the same objects as that of the noble Lord, went a great deal further. He (Mr. Mowatt) said most unhesitatingly that this was not a question for the interference of Government except to the extent of enlarging, he would not say creating, municipal institutions in the metropolis, to enable the inhabitants to do what was required for themselves. He proposed a Ratepayers' Bill, and was of opinion that the inhabitants of the metropolis, who paid for and used water, and who were affected by drainage, were the proper persons to determine the question of the supply of water and the system of drainage: in other words, that they should have the management of their own affairs in their own hands. This was no new doctrine. It was recognised by the constitution, and was a part of it, as it involved the principle of self-government. It was his wish to grant further facilities to the ratepayers, to enable them to take these two matters into their own charge. He therefore proposed to divide the metropolis into seventeen districts, and in each of them to give the ratepayers powers to elect district commissioners to administer the affairs of the two services of the water supply and the drainage, who should be under the control of a central commissioner in their own district. There should be also powers given to the ratepayers, in proportion to their numbers and their rating, to elect boards, varying in number, but in no case to consist of less than nine members. The district commissioners to have power to elect out of their own body general central commissioners, amounting to forty-one. To that number he proposed to allow the Government, if they thought fit to exercise it, the power of associating four other commissioners, representing the Commissioners of Woods and Forests, the Poor Law Board, and other boards whose property might be affected; in other words, that the Government should have a voice in the working of the Commission. He proposed that the Commission should be incorporated for the purposes of the Bill. It would be, of course, obvious that the Commissioners would require powers for raising the requisite capital, first of all to establish an entirely new system of water supply, and an entirely new system of trunk drainage; and next to provide all other means necessary for putting in working order the management of those two services. Accordingly, powers were given in the Bill to the Commissioners to rate the inhabitants of the metropolis for the purpose of raising the requisite capital for putting the machinery in operation, and for its future maintenance. In short, that the ratepayers should have power to do that in this matter which they now had power to do in all matters relating to themselves. It was obvious, notwithstanding what the noble Lord (Lord Seymour) had said with regard to companies, that water was quite an exceptional case, being a necessary of life, and one which could hardly be made, in this large metropolis, the legitimate source of occupation to a mercantile company. He was surprised that the noble Lord had not come to the same conclusion, considering the impartial attention he had given to the subject, and arrived at the opinion that this was a case in which companies could not legitimately meet the wants of the public. He would only mention the fact that all the companies were originally created and their existence sanctioned by Parliament, on the understanding that it would be for the interest of the metropolis that there should be competition amongst them for the supply of water to the inhabitants. It was assumed that if there was competition, the interests of the public would be sufficiently guaranteed. But it was lost sight of that two companies could not compete in one district. It was impossible for the inhabitants of Portland-place, if they were dissatisfied with one company, to apply to another, for it would not be worth their while to break up the streets and lay down mains and pipes. The public had no guarantee against the acts of the companies, and he thought it was much to their credit that they had treated the public so tenderly and moderately as they had, when it was considered that, high as their rates were, they had power to make them twice as high. However it might be with others, the supply of water to the poorer classes was not a legitimate source of profit. It was clear the poorer classes ought to be supplied, if not at the expense of the wealthy, at least without profit to a mercantile company, and he believed every one would agree with him in coming to this conclusion. While, therefore, the Bill which he desired to lay on the table provided that the water should be good in quality, moderate in price, and sufficient in supply, he humbly submitted that by creating the body to which he had referred, and placing it under the influence of the opinion of their brother ratepayers throughout the metropolis, the public would have a much stronger guarantee for all those essentials being carried into practice than by simply providing, by an Act of Parliament, that the thing should be done. He did not propose by his Bill to take any provision whatever with respect to the source of the water supply or the disposal of the sewage, for the reason that when the Commissioners should be appointed they would be much better able than probably the whole House put together to come to a right decision on those questions. In all probability, one of the first acts of the Commission would be to invite public tenders from all parts of the kingdom for the best mode of supplying the metropolis with water, and for the best scheme of putting it into execution, as well as for the best system of trunk drainage, and the most advantageous way of disposing of the sewage of this great metropolis. The noble Lord had quoted instances of the partial failure of corporations with regard to water supply; but he (Mr. Mowatt) thought the case of the metropolis was essentially different from that of any town, not even excepting Edinburgh. Even supposing it to be the fact that ratepayers were so incapable a body, or were so organised in vestries and similar boards as that they could not work in unison nor manage their own affairs in relation to water supply and drainage; still, as they were to pay for them, they were consequently the proper parties to manage them; and he should contend for that principle, even if it could be shown that they had failed to carry out the service of those two articles. It was one of the advantages of our social institutions, of which we were most proud, that we possessed self-government, and one which was to be cherished notwithstanding any abuses that might exist in it. He was himself a vestryman, and as able to appreciate the difficulties of such institutions as the noble Lord. With regard to the question of the expense of these great services, and the rights of existing companies, he proposed by his Bill that, whenever the companies were interfered with by the Commission, that within a reasonable time they should be abolished, compensation being awarded to them by arbitration; so that, whatever might be the value of their property, it might be ascertained, and compensation paid to them. To provide the funds necessary for carrying the Bill into operation, he proposed that the Commission should have the power of rating all the property of the metropolis in a sum not exceeding 8*d.* in the pound in any one year for the water supply and drainage. A further rate, not exceeding 4*d.* in the pound, might be imposed for other expenses, including compensation to the companies. On the whole, this would be to limit them to a rate—everything included, even to the compensation to the water companies—not exceeding twelvepence in the pound. This, hon. Members would be good enough to remember, would amount to less than the average rating of houses, at present, for water alone: and obviously, if by putting the water supply and the sewage arrangements together on the best possible footing, compensating, at the same time, the companies which would be extinguished, they charged for the two not more than was at present charged for the one, they at once effected a very considerable pecuniary saving to the public. It might be said that this statement as to the present rate was not strictly true, because there were houses in Belgrave-square and in Portland-place which were rated much lower than this proportion; but, on the other hand, there were smaller houses in other neighbourhoods which were rated much higher than twelvepence in the pound, and, on the whole, therefore, this would be much less than the average. It would be asked, how could this rate of twelvepence in the pound provide the necessary sum for carrying out this great work which would be necessary, as well as for granting the compensation to the companies. He proposed to provide the money in this way. He had ascertained by returns made to the House last Session that the property of the metropolis rated to the relief of the poor exceeded in value the sum of 12,000,000*l.*; and this rated at 8*d.* in the pound, would give a sum of 400,000*l.* per annum. In order to raise the requisite capital, he proposed to take power under the Act to issue annuities, terminable and otherwise, for sums of 20*l.* per annum; and this, he had good reason to believe, would be regarded by the public as a desirable investment; secured as it would be by the whole rating of the metropolis, and admitting of a simple and ready transfer. He proceeded on the calculation, therefore, that the capital could be raised on most favourable terms, probably at from 3 to 4 per cent. The reasons which had urged the association with which he acted to combine the two questions of water supply and sewage, would be evident to every one on consideration. You could not supply water for domestic purposes without providing means of afterwards getting rid of that water. On the other hand, the sewage could not be managed if the managers had not an adequate command of water; and hence the expediency of combining the two services, not only under one set of commissioners, but in other respects. In short, the scheme which he had detailed to the House, was applying the existing municipal machinery to a general purpose in the least expensive and most efficient manner. If they were to have the municipal machinery resorted to at all, it must be reverted to in this manner. One parish could do nothing but by combining with another parish; and it was, therefore, apparent that some such incorporation of districts as that which he had proposed must be sanctioned by Parliament, in order to admit of their working out the existing institutions. He should conclude by moving for leave to bring in a Bill for vesting the water supply and drainage of the metropolis in commissioners representing the inhabitants thereof.

Lord DUDLEY STUART seconded the Motion.

Viscount EBRINGTON said, he proposed making a few remarks on both the Bills just brought before the House, and should now be able to do so without troubling the House more than once. He concluded that the Bill of the noble Lord, as well as that of the hon. Member, were to be submitted to a Select Committee as rival candidates for favour. [*Cries of* "No, no!"] He drew that inference from what had happened last year. Well, then, whether the Government Bill was alone to be referred to a Select Committee, or not, the House must decide the principle. On several points he agreed much more with the hon. Member for Falmouth than the noble Lord. He agreed with the hon. Member in the general view he took of the principle which ought to govern legislation on this subject, and which raised it above a mere question of commercial speculation; and he was surprised the principle of competition was still adhered to by Her Majesty's Government in such an article as water. He agreed with him as to uniting under the control of the same body the water supply and drainage. He agreed with him that these matters belonged to a class properly to be dealt with by public authority, and that on general principles that authority ought to be the municipality of the town; at the same time, in the case of the metropolis, there were special considerations which in his opinion furnished grave reasons why the House should pause before they adopted the course proposed by the hon. Member. In the first place, supposing the whole matter to be ultimately placed under the superintendence and control of a popularly-elected body, it did not follow necessarily that the ratepayers would in the first instance be competent to decide upon the difficult and complicated question upon which even scientific men were still not quite agreed—as to the best scheme for the water supply and drainage of the metropolis. It was conceivable that Government, with the superior knowledge and appliances at their command, might advantageously lay down a general scheme, in the first instance, to be worked out by popularly-elected bodies; and on that point he was at issue with the hon. Member. But with regard to the question of the establishment of such a popularly-elected body in London, he must have very little attended to what had taken place on the Continent, who did not see that the relations between the State and the municipality of the capital, were most difficult safely and satisfactorily to adjust: the experience of Paris, Vienna, and Berlin, showed that they now were questions of the greatest delicacy and importance. He was alarmed at the levity with which the Government had, in the first instance, treated this question of what would have been practically a metropolitan municipality, when it was proposed by the hon. Member; but before the end of the Session, he had been relieved by the observations made upon it by his noble Friend at the head of the Government, which proved that he, at least, was aware of the importance of the question. The House should consider carefully a proposition conferring such powers on a body representing the whole of the inhabitants of the metropolis. Whatever might be the specific duties they might be called on to discharge in their corporate capacity, it was quite clear that such a body, acting in close proximity to the very seat of the Legislature, would exercise a very powerful influence on the Government and Legislature of the country. Though the conduct of the Government on sanitary questions had last year been far from encouraging—though that of the noble Lord in particular, as regarded the Commission of Sewers, the working of the Public Health Act, and, above all, of the Interment Act, had been far from satisfactory; yet, he confessed, with regard to the question of uniting the management of water supply and drainage, he was sanguine enough to entertain hopes, from what had fallen from the right hon. Chancellor of the Exchequer on a former occasion, that the Government would have seen the necessity and desirableness of such a union. The noble Lord (Lord Seymour) would leave every important item of expense to be determined by the Committee; and the inhabitants of the metropolis were not furnished with any approximation even to the rates to be charged on them. Why had the right hon. Chancellor of the Exchequer, who was so ready to remit money due in Ireland, or to lay out money on that most splendidly inconvenient House in which they were assembled, refused 500*l.* to enable the Board of Health to finish the levels and surveys necessary to afford a perfect notion of the expense to be incurred for the supply and drainage of the metropolis? Instead of that, he proposed referring the various Water Bills in a body to a Select Committee, the expenses of which, for days together, in lawyers and witnesses, had amounted to 1,000*l.* a day; and the effect of the whole of this expenditure was to leave the ratepayers exactly as they were before. The Committee appointed never made any report to the House; and now it was proposed to appoint another Committee, who would perhaps sit as the previous one had done, accumulate still more evidence, and produce another huge blue book with the same absence of any practical result. Now, with regard to the estimate of expenditure, in the absence of the information which might have been given to the House by the Board of Health, if the small sum of money he had mentioned had been expended in procuring it, we were obliged to look at what had been done in other towns. Besides Tavistock, where the Duke of Bedford, the owner of considerable property there, had undertaken both the drainage and the water supply, there were several towns in which those two departments were placed under one management; and in many of these the public works necessary for the supply of water had been laid down at something less than 10*s.* per head of the population. This was in towns which were constantly increasing in size, and in which it had been necessary to make provision for the future supply of nearly double the present population. In Manchester, he believed, what is technically known as the "piping," had been provided, notwithstanding the large quantity required for manufacturing purposes, at 10*s.* per head upon the number of inhabitants. Now, every one knew that in the case of very large works there was a considerable saving; but even assuming that the sum of 10*s.* per head of the population would be required for the new piping of the metropolis, they would have at most but 1,000,000*l.* or 1,250,000*l.* of expenditure to lay out under that head; and, then supposing the money obtained and dealt with on the same principle as the drainage loan advanced to landowners by the Government, the interest and principal of which are paid off in thirty years, there would be an annual cost to the ratepayers of only something like 100,000*l.*, so that they would be enabled to supply the ordinary dwellings of the poor at the same rate which was now charged by water companies for supplying a single room. He did think the House had great reason to complain of the crude and unsatisfactory measure now proposed by Her Majesty's Government. But, as he would have another opportunity of further discussing the measure before it was exiled to the Select Committee to which it was proposed to be consigned, he would reserve the further remarks which he should have to make until after he had had the advantage of seeing the clauses of the Bill in print.

SIR GEORGE GREY considered that the hon. Member for Falmouth (Mr.

Mowatt), who had just moved for leave to introduce his Bill, had adopted a fair and proper course. He had objected to the scheme of the Government for improving the supply of water to the metropolis, and had embodied his views and opinions on the subject in his Bill, and had asked leave of the House to be allowed to introduce it, in order that its provisions might be placed side by side with the Government measure, and the House be afforded an opportunity of judging of the respective merits of the two proposals. His noble Friend (Viscount Ebrington) who had just addressed the House, had not, however, adopted an equally fair course, either to the House, to the Government, or to the hon. Member for Falmouth. Considering the great attention which the noble Lord had paid to the whole subject of sanitary legislation, he was somewhat surprised that he had not submitted to the House the proposal he had to make, together with the criticisms which he had offered upon the Government measure. The noble Lord had objected to everything, and proposed nothing. He (Sir G. Grey) concluded from what had fallen from the noble Lord, that he wished the Government to take the whole question of water supply to the metropolis into their own hands by means of a Government Commission, which should be responsible to Parliament, but which was to charge itself with the whole superintendence of this duty. Now, he (Sir G. Grey) had on a previous occasion stated his objection to such a course, and his noble Friend had certainly not stated any new arguments in support of it. As to the application to the metropolis of a representative system in connection with the water supply, he agreed with his noble Friend that there was considerable difficulty in its adoption; but it was not in a Committee of the House, but in the whole House on the second reading, that it would be for hon. Members to decide between the principle of the Bill proposed by the hon. Member for Falmouth (Mr. Mowatt), and that of the Government measure. His noble Friend had taunted the Government —not very charitably, as he (Sir G. Grey) thought—with an intention to leave the subject in the hands of the Select Committee, with a view to the production of a "large blue book;" but the noble Lord ought to know that the Bill introduced by the Government, as well as that brought forward by the hon. Member for Falmouth, must be referred to a Select Committee, not by the wish of the Government, but by the invariable rule of the House, which required that private Bills and Bills of this description should be referred to such a Committee. It was therefore really without any such intention as that attributed to the Government, but in deference to and in accordance with the rules of the House, that they had pursued the course commented on by the noble Lord.

Viscount EBRINGTON explained, that he was quite aware of the necessity, under the regulation of the House, of referring the Bill to the Committee upstairs; but what he complained of was, that his noble Friend proposed to leave the Committee to complete his unfinished Bill for him.

Mr. SLANEY considered, that in any Bill that House might adopt, it would be obligatory to have water supplied to the dwellings of the humbler classes, below a certain amount; and, if he had understood his noble Friend (Lord Seymour) aright, it was intended that this provision should be enforced. It was one of the greatest evils that existed in many large towns that no such obligation existed, and the consequence was, that the owner of the house would not pay the rate, the poor occupant was not able to pay, and small tenements went unsupplied with water, entailing oftentimes a state of disease which was productive of considerable expense to the ratepayers. Another point to which he wished to refer was this—that though in his opinion it was not absolutely necessary that the same parties who had the management of the sewerage should have the management of the water supply, it was absolutely necessary that they should have such a command over the supply as to carry out what was essential for purposes of drainage. It appeared to him perfectly practicable to call upon the company, or whoever they might be, to grant such a supply of water as was necessary properly to cleanse the sewers. Every one knew that under the improved mode of drainage through piping it was quite impossible to have a perfect system of sewerage unless there was a sufficient supply of water, and that sufficient supply of water it would be necessary to procure by means of stringent provisions in any Bill that was adopted.

Sir JOHN JOHNSTONE, as one of those connected with a large water company in the metropolis, had looked forward with great anxiety to the Government Bill of the present Session. He wished to state to the House that the present measure was entirely the production of the Government, without reference to any of the companies, none of whom, as far as he knew, had been asked for suggestions. He approved of the general principles proposed to regulate the water supply, and he would remind the House that it was very nearly the precise plan which he (Sir J. Johnstone) had suggested when the Government Bill was first introduced. Some of the provision might be productive of harm, but, as they would have to be submitted to a Select Committee, he would not offer any further remarks on the subject.

Leave given.

Bill ordered to be brought in by Mr. Mowatt, Mr. Lushington, and Lord Dudley Stuart.

Bill read 1°.

VENTILATION OF THE HOUSE.

Mr. **BERNAL OSBORNE**, in moving "that Dr. Reid be called to the Bar of the House and questioned as to the means at his disposal for ventilating the New Buildings," said, that a good supply of air was even more important than a good supply of water, and his present Motion more nearly affected hon. Members than that last under discussion, for it related to the supply of fresh air to this House. Assuredly nothing could be worse than the present state of the ventilation. It was suggested that the subject should be referred to a Committee, but he had strong objections to any such course. In the first place, three Committees had already sat to consider the matter; and to adopt a similar course now would be to shelve the whole question, for they would sit in a room upstairs, they would make a report at the end of the Session, and meanwhile hon. Members would be subject to all the hot and cold blasts from which they had suffered since the Session commenced. Now, he proposed that the House should exert the power it had in the matter, and with this view he would call Dr. Reid to the bar, and, without entering into the personal dispute between that gentleman and Mr. Barry, he would put to him six questions. He would ask him, first—and he invited the noble Lord's (Lord Seymour's) attention to this question—whether there was any impediment to the full and proper action of his plan for the ventilation to the House? Secondly, what those impediments were as to matters of fact, taking care not to enter upon personal differences with the architect? He would then ask Dr. Reid to state these matters as briefly as possible, calling upon him to say what it was he proposed to do, and inquiring whether he could name any works already in operation which were upon a principle similar to that which he desired to carry out in the Houses of Parliament? These questions he (Mr. B. Osborne) thought were very fair ones; and by calling Dr. Reid to the bar, as he now proposed, they would avoid any personal altercations, they would make Dr. Reid be as brief as it was possible for him to be, and the subject would be properly brought before the House, instead of being forgotten in the hands of a Committee.

Lord **SEYMOUR** said, when the Houses of Parliament had been committed to his charge, he had himself asked Dr. Reid what impediments there were in the way of the ventilation, and was told by that gentleman that there had been impediments existing for the last five years. Now, if Dr. Reid were called to the bar, the House, in seeking to be informed of those causes, must necessarily enter into a great deal of detail, involving perhaps other persons whom it would be necessary in justice to listen to in reply. He was anxious to avoid placing the House in this position, and would therefore suggest the appointment of a Committee to take the subject under inquiry, in which case they would have the opportunity of hearing what was necessary to be heard in reply to the statement of Dr. Reid.

Mr. **HUME** hoped the Motion of the hon. Member for Middlesex would not be opposed. The appointment of a Committee was very well, looking to some distant period, but this was a subject demanding immediate inquiry. He hoped the noble Lord (Lord Seymour) did not mean the House to adjourn until the Committee had made its report. What hon. Members wanted to hear was, who had directions from Government to ventilate the House? The noble Lord said that Dr. Reid had; but hon. Members could hardly judge of this, though they knew very well that the House was not ventilated. Were the Commons of England to be put about in the way they had been? No less than 200,000*l.* had been expended from first to last in ventilation, and if we had not yet arrived at a knowledge of the proper principles, the sooner we did so the better.

Mr. W. BROWN said, he knew an hon. Member who had caught a severe cold in consequence of the blasts of cold air that were admitted into the House, and who had been obliged to keep his bed ever since.

Lord DUDLEY STUART said, it did not follow that because Dr. Reid had stated the impediments in the way of his ventilating the House were of five years' standing, that therefore it would take him five years to explain them to the House; and, in fact, Dr. Reid believed he could make everything clear on the subject in the space of ten minutes. At one time hon. Members were warm, and at another time cold; they had water coming down in all directions, one of the candelabra would not burn, and no man could enter the House without feeling that he was exposed to a great degree of discomfort, which, in many cases, would prevent his paying that attention to business which he ought to give. He hoped the subject would receive immediate attention from the House.

Lord JOHN RUSSELL said, he must confess the ventilation of the House was not perfect; but he did not think, if Dr. Reid were called to the bar, the question for the consideration of the House would be found to be so simple a one as some hon. Members seemed to suppose. Although they might question Dr. Reid, who might be able in ten minutes to explain that which he considered the cause of the inefficient ventilation, and that which he wished to be done, yet that which he wished to be done might not be in any means in accordance with the opinions of the architect. In that case would the House refuse to hear Mr. Barry; would they decide that everything Dr. Reid desired was to be carried out, perhaps at very great additional expense, without keeping in view what might be proper architectural difficulties? They must accordingly hear Mr. Barry, and they must hear whether Dr. Reid's objections and views were, in the judgment of the House, a sufficient answer to Mr. Barry or not. The question was one which could hardly be considered by the whole House. It would, probably, take some days to decide upon, and it would be far better disposed of if referred to a Select Committee.

Mr. NEWDEGATE said, several hon. Members on that side of the House had suffered severely from the state of the atmosphere. He thought that it did not necessarily follow that the House should come to an immediate decision upon hearing the statements of Dr. Reid; if it was considered necessary, a Committee might afterwards be appointed.

Captain SCOBELL thought the House had wholly neglected its duty, as holding the purse-strings of the nation, in permitting so much extravagance in the outlay upon the Houses of Parliament. If either the architecture or the ventilation of the House must give way, he thought it ought to be the former. The atmosphere of the House had been almost insufferable of late.

Mr. MOFFATT moved, as an Amendment, that the question of the ventilation of the House be referred to a Select Committee.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "a Select Committee be appointed to inquire into the best mode of ventilating the House."

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 55; Noes 24: Majority 31.

Main Question put, and *agreed to*.

Dr. Reid called in and examined.

Motion made, and Question proposed, "That the First Commissioner of Works be empowered to carry out the works alluded to by Dr. Reid." [Mr. Roche.]—Amendment proposed, to leave out from the first word "Works" to the end of the Question, in order to add the words, "ascertain from Dr. Reid the nature of improvements in the Ventilation of the House which he has this night proposed, and on Wednesday next report to the House whether there is any objection to their adoption,"—[Mr. Newdegate,]—instead thereof:—Question proposed, "That the words proposed to be left out stand part of the Question:"—Amendment and Motion, by leave, *withdrawn*.

"*Resolved*—That the First Commissioner of Works ascertain from Dr. Reid the nature of the improvements in the Ventilation of the House which he has this night proposed, and on Wednesday next report to the House whether there is any objection to their adoption.—[Mr. Newdegate.]"

The House adjourned at Nine o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, February 9, 1852.

MINUTES.] PUBLIC BILL.—1ª Common Law Procedure Amendment.

BRIBERY OATHS.

LORD BROUGHAM, seeing his noble Friend the President of the Council, whose recent indisposition he, in common with all their Lordships, greatly lamented, once more in his place, would take the liberty of recommending the subject of bribery at elections to his consideration, and that of the Government. It was a subject which he had brought before Parliament at various times, and many attempts had been made by himself, as well as by others, to extirpate this grievous evil. All these Motions had failed in effect, and one which he had introduced some Sessions ago, and which had been sent to the other House of Parliament, where it was dropped, had been justly complained of, because it did not go far enough. There was no provision to compel the parties themselves to be examined. But this defect he had completely cured by the Evidence Bill of last Session; for now both the sitting Member and the unsuccessful candidate for a seat were liable to be examined on oath, subject, no doubt, to their refusal to answer any question which might criminate themselves, but also to the consequences criminatory of themselves which might result from their silence, and which would be fatal before an Election Committee. Unquestionably, however, something more than the Evidence Bill was wanted to render the law for the prevention of bribery perfect, sanguine as his hopes were of the effects of that Bill. He therefore trusted that Her Majesty's Ministers would take the subject under their consideration, as the instances which had occurred of late confirmed rather than weakened the belief in the existence of great bribery and corruption at elections. He had a very confident opinion that a Bill might now easily be formed, which, with the Evidence Act, would put a stop to these corrupt practices. The true course to be taken in order to extirpate bribery would be to exact from every Member of Parliament, on taking his seat, a solemn declaration either on oath or honour—he should prefer the latter—that he had not, by himself or his agents, directly or indirectly, given or promised money, or any other valuable thing, to, or had used, or promised to use, any influence, to procure a place or pension for, any voter who had voted at his election, and that he was wholly ignorant of any gift or promise made on his behalf by any person to such voter, and that he wholly disbelieved that any such thing had been done on his behalf by any persons for him, or pretending to act for him, whether with or without his authority; and, furthermore, to bind him by a solemn promise not to pay, or cause to be paid, any thing, or to fulfil any one promise, or to do anything whatsoever to carry into execution the promise or engagement of his agents, or of any other persons authorised or unauthorised in his behalf. The same declaration would of course also be exacted from the unsuccessful candidate at the election for the seat, in case he succeeded in ousting the sitting Member. That was a declaration which he thought that no man would dare to make if he were not thoroughly and perfectly conscious, in his own mind, that he had not, either by himself or by another in his behalf, done anything, or was cognisant of anything, like bribery being done in the course of his election. If his declaration was in any particular false, he would be, as he must know, in the hands of worthless persons, and his character was gone for ever.

The MARQUESS of LANSDOWNE could assure his noble and learned Friend, that he should be glad if any effectual remedy could be provided against those corrupt practices at elections. The noble and learned Lord and other distinguished persons had given their attention to this subject at various times; but he feared it must, unfortunately, be admitted that no effectual remedy could be provided against them. It might be satisfactory, however, to his noble and learned Friend to know that the subject had occupied the attention of Her Majesty's Government, and a notice either had been given already, or would be given that very night, in the other House of Parliament, of their intention to bring in a measure on the subject; and he was sure the subject was taken up with a strong determination to bring it to an effectual issue.

LORD BROUGHAM was exceedingly happy to hear the statement of his noble Friend, that notice had been given, or was about to be given, on this subject, not having been aware that such an intention existed. Much would depend upon the form of the Bill; and he hoped and trusted there was sufficient virtue in the other House of Parliament, to prevent them from any longer avoiding this necessary and efficacious measure for extirpating bribery.

COMMON LAW PROCEDURE AMENDMENT BILL.

Order of the Day for the Second Reading read.

The LORD CHANCELLOR moved the Second Reading of this Bill, which was one of those referred to in the Royal Speech, and was framed upon one of the reports of the Commission appointed to inquire into the Process and Practice of the Superior Courts of Common Law. Considering the circumstances under which the Bill had been presented to their Lordships, independently of the nature of the Bill itself, he did not feel it necessary to urge any reasons for the Bill beyond those which would present themselves to their Lordships' views, or were offered by the Committee in their Report. Their Lordships were aware that the law was distinguishable into two branches: the one, that part of the law by which rights were adjudicated, and the other, that which regulated the course of proceeding, by which the questions of right were presented to the Courts for adjudication. The present Bill related to the latter department of law. It was intended to supply the defects and remedy the abuses by which the several steps in the course of litigation for the decision of rights had hitherto been accompanied. The Bill followed the whole course of a suit from its commencement to its final determination in a Court of Error, remedying the deficiencies and removing the defects which occurred at every step or stage of the proceeding. The present system of procedure had originated in a very remote period, when the course of justice was administered under very different circumstances; and though times had changed, yet, at the present day, the forms of procedure were still the same, the ancient system had remained, and the consequences were that in many instances results had followed which did not belong to it at the time the system was originally established, and which had never been contemplated by the framers of these proceedings. Originally the proceedings in our Courts of Law were not by written pleadings, as now, but were put in by counsel *ore tenus*. Formerly, after the defendant had answered to the writ and made his appearance in the court, the plaintiff or his advocate stated his case, or (as, in technical terms, it was called) "counted" or "declared" the nature of his cause of complaint. The defendant or his counsel then made objections in point of form, or presented an answer to the plaintiff in substance. The objections made in point of form were then and at once answered by the plaintiff, and immediately decided upon by the Court. If the objection were allowed, there was an application *instanter* on the part of the plaintiff to amend, which was generally granted. And, on the other hand, if the objection failed, judgment was given at once against the defendant, or he had judgment of *respondeat ouster*, by which he was called to answer over in some better manner on the merits on some day then fixed. The objections of form having been overruled, the Court then went to the merits of the case. Those objections were numerous, and any noble Lord might read in Reeves' *History of the English Law*, vol. ii. page 344, not less than seven or eight such objections urged and answered in succession, in the same case, on the same day, and all overruled, and the defendant at last obliged to answer on the merits. Their Lordships could see very easily what different results would have followed had written proceedings been the practice. As a check upon these objections, however, it was provided that if a party craved time to answer to the substance of the "count" or "declaration," he thereby waived all right to take formal objections; and when the day arrived on which he was allowed to "impeach," he was compelled, when he answered or "pleaded," to meet objections taken in like manner on the part of plaintiff's counsel, and was obliged to amend or answer *instanter;* and a similar course was pursued when the plaintiff replied to the answer or "plea," until the parties having thus pleaded and replied to each other, the proceedings were reduced into writing, and the "issue" in which they resulted was set down for trial. Since those ancient times, the quantity of business had so increased that it would be impossible for those proceedings to be carried on in succession *ore tenus;* therefore the complaint or "declaration" of the plaintiff had to be reduced into writing, and the defendant had necessarily some time to consider it; and if he answered it in substance, or only by a formal objection, some time was also necessary for the plaintiff to reply, or to meet the formal objection; so that when the written proceedings are set down for hearing, it sometimes happens in our own time that "hearing" takes place six or twelve months afterwards. Of course this made a great difference as to formal objections, which originally had the effect of securing precision and regularity, without any delay, expense, or injustice to the opposite party; whereas now the most frivolous objections could be taken, and the cause, to a considerable degree, delayed and obstructed, or often indeed ultimately decided upon a point irrelevant to the merits of the matter in issue. Similar observations applied to the ulterior proceedings. And their Lordships would perceive how differently formal objections were considered in ancient times to what they were in the present day. Formerly all causes were tried at Westminster Hall. Then came first the statutes of "assizes," which allowed them to be tried in the county once, and afterwards twice, a year; and then the statutes of *nisi prius*, (reign of Edward I.), on which all causes were tried twice a year; but still the same form was continued as if the cause had been tried in Westminster Hall. When, therefore, the "issue" was "made up," a writ went down from the Court to the sheriff of the county, directing him to summon a jury to attend the court at a certain period, at which it was supposed or feigned that the cause would be tried; but as it was known it could not be tried at that time, the jury, of course, did not appear; and then there was another writ to the sheriff, called a *distringas*, stating that the jury had (contrary to the fact) made a default, and directing him to "distrain" them by a certain penalty, and to have their bodies at Westminster at a certain other day, "unless before" (*nisi prius*) the justices of the king should come into the county and the place where assizes were held to try the causes; and all this because the ancient process, no longer applicable, is notwithstanding retained. Supposing, however, the parties got to issue, and the cause came down to be tried, as according to the present course of proceeding—if there were too many parties joined as plaintiffs, or too few, the plaintiff was nonsuited, that is, defeated and lost his cause for the time, notwithstanding that the debt was undoubtedly due, for the cause of action had accrued to some of the plaintiffs; and, on the other hand, in certain actions, if there were too many defendants sued, the plaintiff failed as against all, although he had an unquestionable claim against some. These anomalies had been brought about by the alteration of circumstances in the course of time. Now, it appeared that in 1846 146,000 writs were issued; of which only 2 per cent ever came to trial, only 5 per cent went so far as "declaration;" so that not more than 7 per cent arrived beyond the writ. This showed that nearly all the writs issued were settled before the time arrived for "appearance;" and that all the rest of them had been commenced for undisputed debts or claims. There were provisions in the Bill for reducing the cost of proceedings in cases of this class; and their Lordships would see, that, considering the very small proportion which went to trial, it was desirable to render the expenses in the prior stages of proceeding as small as possible. The present Bill, as he had already observed, travelled through every stage of the suit. It first provided that when a writ was issued it should have an endorsement stating precisely what is claimed for debt, and how much for costs. This would give the defendant an opportunity of knowing whether there was anything in the amount of the debt claimed to which he objected. If the defendant did not "appear" to the writ within eight days, judgment would be "signed" upon the writ without the expense of a "declaration," or of "interlocutory judgment," or "final judgment," according to the nature of the action. He thought that their Lordships would agree with him in thinking that the "declaration" gave little or no material information to the defendant in ordinary actions. It did indeed state whether the action was brought for goods sold or delivered, or on a bill of exchange. But if the causes belonged to the class he was referring to—those of ordinary debts and claims which the defendant did not dispute—there was no occasion why the cause should proceed to "declaration," with "plea" and interlocutory judgment, because the writ would give the defendant due notice what the claim was, putting him upon his guard if he meant to defend; and if he did not appear in court within eight days to defend, "final judgment" would be "signed;" and the result would be, that the costs would be reduced at least one fourth of what they would at present amount to, where the cause travelled in the course described. With regard to formal and technical objections, they were altogether abolished. Many of them were connected with matters no longer material. For instance, originally the jury in every case came from the vicinity (*visne*) of the parties and of the transaction in question, and therefore every material fact alleged in the declaration was required to be accompanied with an averment, not only of time, but of place, in order that the Court might see what the "venue" must be, that is, the place whence the jury must come which should try that matter of fact, if denied, and put in issue. But now that juries came from the county at large, this of course was immaterial; yet it very frequently gave rise to objections. Numerous other objections could be taken in a form called "special demurrers," which would be altogether abolished. Very early statutes had been passed (after the original oral course of pleading was abandoned, and the present system adopted), requiring that formal objections should be stated specifically by way of "special demurrer," as distinguished from those legal objections which went to the merits of the case. These "special demurrers" often remained many months upon the paper, awaiting a hearing; the present Bill abolished altogether all grounds of "special demurrer," that is to say, such objections as were only formal. Besides these, however, there were occasionally slips made in the pleading, which really were material—omissions of some important allegation, perhaps essential to the maintenance of the action or of the defence. The opposite party could at present pass that by and proceed to the trial; and when the other side has succeeded, move an "arrest of judgment," upon a declaration, or for judgment *non obstante veredicto* (notwithstanding verdict), and thus deprive the party who succeeded at the trial of all the benefit of his success; or even might delay still longer, and sue out a writ of error after judgment had been given upon the verdict, and reverse all the proceedings in a superior tribunal. The Bill required that all these objections should be taken at an earlier stage, if at all, and would allow of no writ of error to reverse a judgment, except where the objection had been taken in the Court below. Thus their Lordships would see that the Bill travelled through the whole course of a suit—from the "writ of summons" to the "writ of error," dispensing altogether with numbers of forms, abolishing many statements, and simplifying all. Although it could not be expected that a Bill thus extensive in its operation could be rendered so perfect as to be free from objection, yet he believed it would remove much of the odium now resting upon proceedings at law, and would go as far as law could go to secure to a party success in an honest suit—so far, at least, as to protect him from technical objections. He would not travel through all the clauses of the measure (some of which might possibly be considered capable of improvement in the Committee), but, persuaded it was one their Lordships would ultimately pass, he would merely move that the Bill be read a second time.

Moved, "That the Bill be now read 2^{a}."

Lord LYNDHURST said, no reasonable person could object to the Bill. It was the result of many months of labour on the part of persons very deeply informed upon the subject, and who had done everything in their power to render the Bill as perfect as possible. He did not rise to object to the Bill being read a second time, because every objection he had was to matters of detail, which could be considered in Committee. But there was one circumstance which he wished to present, which had always pressed upon his mind, and to which he had never been able to discover any satisfactory answer. The County Courts had now been established for several years, and their jurisdiction had been extended so far as 50*l.* He understood that upwards of 5,000 causes of between 20*l.* and 50*l.* had been tried or decided within the last five months, which was at the rate of 12,000 per annum; and he was informed in every quarter that the decisions of these Courts had given entire satisfaction. Now, he could not understand why, if these Courts had jurisdiction in certain cases up to 50*l.*, and their machinery was found adequate to the administration of justice therein, there should not be in the Superior Courts of Law, with reference to the same classes of cases, the same simple machinery adopted (presided over by the fifteen Judges), within a certain limit at least, say to the extent of 200*l.* or 300*l.* If the machinery now adopted in the County Courts were good for causes of 50*l.*, he could not see why the same system could not be adopted for causes of greater value of the same class.

Lord BROUGHAM agreed that the Bill should be read a second time, and then discuss the details in Committee—although he anticipated objections to it of three classes: that it did not go far enough; that it went too far; and that it went in the wrong direction. His own objection to it was rather of the former character, that it did not go far enough; though he admitted that, so far as it went, it was in the right direction. These objections, however, as his noble and learned Friend had observed, should be considered in Committee. He concurred with his noble and learned Friend as to the excellent working of the County Courts system, and as to the propriety of extending their jurisdiction.

Lord LYNDHURST explained that he did not say anything about their jurisdiction; but he had suggested that if their machinery was deemed adequate to causes of a certain description, the same machinery might be applied in the Superior Courts, under the presiding care of the Judges, to cases of a similar character, though of a larger amount.

Lord BROUGHAM admitted that he had misunderstood what fell from his noble and learned Friend. He thought that if the suggestion of his noble and learned Friend were adopted, it would be of benefit both to the suitors and to the Courts of Common Law. This was a time when large and liberal amendments of the law were expected by the country, and ought to be granted. His Lordship then proceeded to read to the House an extract from a letter which he had just received from his noble and learned Friend Lord Denman, on the subject of the Bill of which he and the Lord Chancellor had spoken the other night. His noble Friend said—

> "The present crisis could not fail to excite considerations of the highest importance. There is every appearance of an attempt to establish order on the basis of absolute power, and to teach mankind the lesson that the will of one man may be safely intrusted with the interests of all. But, if there be any truth in moral reasoning or long experience, it is clear that, without the basis of law, no solid fabric of order can be reared, nor can any security be given for the rights which even the best men and the best designed decrees may intend to confer. It appears to be the peculiar vocation of England to exhibit to the nations of the world a steady Government, and a peaceful, because contented, people, and that content must not be looked for (since it cannot and ought not to exist), where a press is free, and the people moderately enlightened, while a single grievance is wilfully maintained after exposure."

The LORD CHANCELLOR was not exactly aware what the course of procedure in the County Courts was after the "declaration" or "plaint." If his noble and learned Friend was acquainted with it, and was prepared to recommend to the House to adopt it as a course of proceeding for the Superior Courts, his recommendation would go a great way with the public and the profession; but as at present advised, he (the Lord Chancellor) thought that the course of procedure laid down by the Bill was essential to the due administration of justice, and fitted to the nature of the litigation which took place in the important commercial and trading interests of the country; and he did not believe that the procedure of the County Courts was properly applicable to the suits in the Superior Courts. He should be glad, however, that the public should have the assurance of his noble and learned Friend's judgment as to whether or not he thought that the County Court course of proceeding was fitted to be adopted for administration of all suits; but until he heard from his noble and learned Friend the deliberate declaration of his judgment to that effect, he should not believe that his noble and learned Friend really entertained any such opinion.

On Question, *agreed to*. Bill read 2ª accordingly.

FOREIGN REFUGEES IN ENGLAND.

Viscount STRANGFORD said, he held in his hand some very important documents, which had been laid on the table of their Lordships' House, relating to the proceedings of certain foreign refugees in this country. [*Parliamentary Papers, No.* [1433] *Session* 1852.] These documents contained a series of remonstrances from the Ministers of Foreign Powers, protesting against the practices and designs of certain persons who had been driven from their own countries, and were alleged to be abusing the hospitality and protection of this country. The first of these documents was a remonstrance from the French Ambassador, which bore date so far back as the 29th of October last; and the noble Lord the late Foreign Secretary had not left office until the 22nd of December last. He wished, therefore, to know whether, during the long period that had elapsed since the receipt of the protest in question, any answer had been returned to the French Ambassador; next, if such answer had been given, what was its nature and tendency; and, thirdly, why such answer, if sent, had been omitted from the papers that had been laid before Parliament? If no answer had yet been returned by Her Majesty's Government, all he could say, was, that he would most heartily rejoice if it should fall to the lot of the noble Earl the present Foreign Secretary to have to return it.

EARL GRANVILLE said, he hoped their Lordships would not consider him wanting in courtesy to the noble Viscount if he refrained from alluding to the introductory remarks with which he had prefaced his questions, especially with regard to his predecessor in office. With regard to the question, whether Lord Palmerston gave any answer to the remonstrances which these despatches contained, he had to state to the House that no answers were sent by that noble Lord. But he (Earl Granville) had every reason to believe that if the noble Viscount had remained in office, his answer would not have been discordant with that which he had himself given.

The EARL of ELLENBOROUGH asked if any conversations had taken place? By the statement that no answer had been given, he presumed the noble Earl meant that no "official" answer had been sent —that was, none in writing; but he could hardly think it possible that there had not been some personal communication between the late Secretary for Foreign Affairs and the Foreign Ministers in this country, by which the sentiments of the noble Viscount were conveyed to those Ministers.

EARL GRANVILLE replied, that such a conversation as that referred to by the noble Earl might not have occurred, he was not now in a position to state; but the noble Viscount, according to the usage in going out of office, had given him a long interview, in the course of which he explained to him, in that remarkably clear and lucid manner for which he was more distinguished than any public man he had ever met, the state of our relations with all foreign countries. The noble Viscount alluded to this question as a point which he (Earl Granville) would have to consider and give an answer upon; but he gave him no information of any conversation between himself and the Minister of any Foreign Court on the subject.

A NOBLE LORD inquired whether any despatch had been subsequently received from our Ambassador at Vienna on the subject of the refugees?

EARL GRANVILLE said, that all the despatches which Her Majesty's Government had received on this subject were contained in the papers that had been laid before the House.

BUSINESS OF THE HOUSE.

LORD LYNDHURST hoped that their Lordships would not consider him pertinacious, if he again called their attention to the course of legislative proceedings in that House. He believed, from an inspection of the Votes of the House of Commons, that seven or eight Bills effecting great alterations, and it might be improvements, in the law, were now prepared and laid on the table of that House—Bills requiring minute discussion in their details, and therefore scarcely likely to pass into law during the present Session. He knew many parties who thought that their Lordships' House was only a House of revision and not of initiation, and that they were rather an appellate jurisdiction than a legislative body. That doctrine was quite contrary to the principles of the constitution, and was, at any rate, novel and extraordinary. He had already stated the number of Bills which had already been introduced into the House of Commons; but, with the exception of the solitary Bill introduced by his noble and learned Friend on the woolsack, and just read a second time that evening, not one Bill for the improvement of the law had been presented to the consideration of their Lordships. Now, he wished to ask his noble and learned Friend why he had not already brought forward in that place his Bill for the improvement of Charitable Trusts? Last Session it was brought into the House at so late a period that it was as a matter of necessity thrown over when it reached the other House of Parliament, where they had no time to discuss it. He, therefore, submitted that the earliest opportunity ought to be taken to secure a discussion of that Bill in the present Session. There was another important Bill lost last Session, and requiring revival in the present—he meant the Bill for improving the Law of Patents and Inventions. That Bill went down to the other House, and met with nearly the same fate as the other Bill which he had just mentioned, partly from want of time to discuss it, and partly from a want of sufficient understanding between the Ministers in that House and the Ministers in this. The history of that Bill was rather curious. A Bill on that subject was brought in originally by his noble and learned Friend near him (Lord

Brougham) at the very commencement of the Session. If that Bill had passed through their Lordships' House, it would have become law early in the Session; but his noble and learned Friend thought, that from the nature and variety of the interests involved in it, it should be carried through Parliament with the sanction and under the authority of Government; and the consequence was, that his noble and learned Friend expressed his readiness to surrender his Bill into the hands of Ministers. Considerable time was consumed in the consideration of that proposal, and the result was that the proposal was not accepted; and a rival Bill, as their Lordships would recollect, was introduced by the noble Lord opposite, who was at that time Vice-President of the Board of Trade. But even that Bill was not brought in until a short time before the Easter vacation. As there were then two Bills before the House on the same subject, they were referred, as a matter of course, to the consideration of a Select Committee. That Committee did not meet till after the Easter vacation, and the result of its inquiries was, that neither the Bill of his noble and learned Friend, nor that of the noble Earl opposite, was adopted by the Committee; but a Bill was drawn up and compounded of the two Bills, reminding him of the quotation—

> "The force of nature could no further go;
> To make a third she joined the other two."

That Bill was, he said, adopted by the Government, and received the sanction of his noble and learned Friend on the woolsack. It was natural to suppose that when that Bill went to the other House of Parliament, it would have met, so far as the Government was concerned, with an easy progress through that House; but, to his great surprise, when it reached the Committee in the House of Commons, 40 or 50 Amendments were made to a Bill which had originated with their Lordships, and which had left them with the full sanction of his noble and learned Friend on the woolsack. The result was that the Bill was defeated, owing to the animated discussions, and to the long delay attendant upon them, to which the Bill gave rise. One of the Amendments was of a singular nature. By the Bill every patent was required to pass the Great Seal; but Her Majesty's Attorney General, without any communication with the Lord Chancellor, proposed that the use of the Great Seal should be abolished in all cases of patent. What was the result of all this? That the Bill, with its Amendments, did not come up to their Lordships until the very morning of the prorogation. Those Amendments were not printed, nor were they known to a single Peer. Even his noble and learned Friend on the woolsack was unacquainted with them. The noble Earl opposite, wisely, as it seemed to him (Lord Lyndhurst), declined to move their acceptance by the House. The Privy Seal and the Great Seal were in conflict with each other on the occasion, and the whole matter terminated in the loss of the Bill. No, it did not terminate so; for their Lordships would have again to go over all the details of the Bill on the law of Patents and Inventions in consequence of the procrastination and delay of legislation in that House. He hoped, then, that his noble and learned Friend on the woolsack would not hesitate to lay at once on the table not only his Charitable Trusts Bill, but also the Bill for the Improvement of the Law of Patents and Inventions—a Bill of the utmost importance, which had given rise to such interests and such feelings in a large and valuable part of the community.

The LORD CHANCELLOR said, the noble and learned Lord had given the House a very amusing statement about the Patent Bill, which he dared say was all perfectly correct, but he could only say it was entirely new to him. That Bill was prepared under the noble Earl then Vice-President of the Board of Trade, and some of its provisions, at a late stage, were brought under his (the Lord Chancellor's) notice; but certainly the Bill generally had not come under his consideration. It was, however, deliberately considered, he believed, and great pains were taken with it. He had suggested the addition of one clause, which was for the purpose of authorising a Court of Law to grant an injunction where it was thought right to restrain the proceedings of parties pirating patented inventions. The Bill went down to the other House. He did not know the period when it came up again, but he knew that it was a subject of considerable inquiry and anxiety to the noble Lord (Earl Granville) and himself, and he believed it was brought up as early as it could be. But such extensive alterations had been made in it in the other House, that it was impossible for their Lordships to consider it. There were several Bills which passed that House, and went down to the other House, but which, by reason of their arriving there so late, could not be considered, and therefore they did not become law. Other Bills which had passed the other House, and came up to their Lordships under like circumstances, were also lost in a similar manner. In his communication with the Government for the purpose of arranging the order of business, the course they decided to adopt was to bring in their Lordships' House all Bills which had passed the House of Commons in the previous Session, and to bring in in the House of Commons all Bills which had passed their Lordships' House in the previous Session. Under that arrangement the Patent Bill was intended to be brought into their Lordships' House. He had had a communication with his noble Friend who had charge of the Bill on that subject, and they were anxious to lay that Bill on the table as early as possible. Since then intimations had been received by the Government which led them to the conclusion that the Bill would be strenuously opposed in the House of Commons unless a Committee was previously appointed to inquire into the general subject. For that reason it was not intended to bring forward the Bill at the present moment. He believed it was found that some very influential Members of the other House—persons extremely competent to form a judgment on the subject—desired to have a Committee of the nature he had observed. Upon further communication, his noble Friend opposite, or some other Member of the Government, who should be charged with the conduct of the measure, if they saw a probability of passing it by presenting the Bill in their Lordships' House, it would be introduced, and no time would be lost in doing so. Under the arrangement before mentioned, the Charitable Trusts Bill was passed in that House. It had been discussed as fully as ever a Bill had been discussed in Committee upstairs, and therefore, having been passed through their Lordships' House, it was deemed expedient that it should be introduced in the present Session in the other House, where it either had already been, or was about to be, laid upon the table. He was unable to suggest any more convenient arrangement than that Bills which had passed through one House in the previous Session, should be initiated in the other House in the Session following.

Lord BROUGHAM said, that on reflection upon what had been the fate of the Patent Bill in the House of Commons last Session, he was induced to hesitate before renewing his solicitations to the noble and learned Lord on the woolsack that he should bring forward his great Chancery Reform Bill in their Lordships' House. If the noble and learned Lord introduced it there, he was afraid that it would jeopardise the passing of so vitally important a measure; and he therefore now begged to renounce any desire on his part to press the initiative of that Bill in their Lordships' House of Parliament.

The Earl of ELLENBOROUGH said, that, in connection with this discussion, he had had forcibly called to his mind a conversation which he had many years ago on this very subject of introducing Bills of this description first in the House of Lords, with the late Lord Londonderry—than whom no man was more carefully observant of Parliamentary practice, or better acquainted with it; and he said, "I do not think we should gain much time. I never knew an instance of any Bill coming down from the House of Lords which was received with favour by the House of Commons." Now if that could be said with truth—and he believed it could—of an unreformed House of Commons, he confessed he did not think the changes which had taken place since were very likely to improve the disposition of the House of Commons towards the favourable reception of Bills sent down by the House of Lords. The strength of their Lordships' House lay in dealing with the measures which came up from the other House; their Lordships would best consult their own usefulness by adhering to that course.

Earl GREY said, that from his own experience of that and the other House of Parliament, he had certainly come to the conclusion that the prospect of carrying important measures was much greater when they began in that House. He believed they would never see the work of legislation carried on at once with due deliberation, and also with the avoidance of unnecessary delay, until some arrangement had been hit upon by which measures could be considered during the one Session in the other House, and during the next Session in that House. He believed there were valid technical objections to the Bill proposed by the noble Earl opposite; but he did not think that that was inconsistent with the adoption of some arrangement—whether by Resolution or by Bill—by which it might be rendered practical for their Lordships to consider in a subsequent year the measures which, in the former Session, were under the consideration of the other House.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, February 9, 1852.

MINUTES.] PUBLIC BILL.—1° Public Houses (Scotland).

THE RECALL OF SIR HARRY SMITH.

MR. JOHN WILLIAMS said, that he wished to put a question to the noble Lord at the head of Her Majesty's Government. A noble Duke, in another place, had lately, in speaking of Sir Harry Smith, referred to his conduct in terms of approval, and had spoken highly of his military services. Since then, however, a blue book upon the affairs of the Cape of Good Hope had been circulated [*Parliamentary Papers*, No. [1428] 1852], in which there appeared a despatch from Earl Grey (dated January 14, 1852), condemning, in twelve different paragraphs, the proceedings of that gallant officer, and recalling him from his post. Now, on Tuesday last the noble Lord at the head of the Government read in that House, for the guidance of Lord Palmerston, a letter from Her Majesty, dated August, 1850, just six weeks after the House of Commons expressed its approval of the policy of that noble Lord. He wished, therefore, to ask whether any similar letter of instructions had been sent to Earl Grey at the Colonial Office; and whether the despatch of June last, condemnatory of Sir Harry Smith, was approved by the Prime Minister, and by him shown to the Sovereign, before it was sent to Sir Harry Smith; and whether the contents of the despatch were communicated to Her Majesty by Earl Grey, as it appears in the sixth paragraph?

LORD JOHN RUSSELL said, that, with reference to the first part of this question, he might state that when he entered office he received Her Majesty's directions that all foreign despatches should be sent to Her Majesty; and the letter which he had read on a previous evening was only confirmatory of that instruction. On inquiring of Her Majesty whether colonial despatches also were to be submitted to Her Majesty, Her Majesty was pleased to say that She was desirous to know all important decisions affecting the Colonial Office, but that every particular despatch need not be submitted to Her. What was done with respect to this particular despatch he could not say, except that it was transmitted to him, and that he concurred in, and approved it. The decision to recall Sir Harry Smith was the decision of the Cabinet; and the advice given to Her Majesty was that of the Government.

FEARGUS O'CONNOR, ESQ.

MR. SPEAKER acquainted the House, that he had received a Letter, dated Police Court, Bow Street, 9th February, 1852, and signed T. Henry, which he read to the House, as follows:—

> "Police Court, Bow Street, 9th Feb., 1852.
>
> "Sir—As I understand it is the practice to communicate to the House the arrest of a Member of Parliament, I beg leave to report to you, that Mr. Feargus O'Connor was convicted by me this day for having assaulted a Police Constable on last Saturday night, and was committed to prison for seven days, under the provisions of the 2nd and 3rd Victoria, chap. 47, sect. 18.—I have the honour to be, your obedient Servant,
>
> "T. HENRY,
> "A Magistrate of Bow Street Police Court.
>
> "Right Honourable the Speaker of the House of Commons," &c.

PARLIAMENTARY REPRESENTATION.

LORD JOHN RUSSELL: I have now, Sir, to move for leave to bring in a Bill to extend the Right of Voting for Members of Parliament, and to amend the laws relating to the representation of the People. The state of affairs in which I bring forward this Motion ought to be satisfactory to Parliament and to the country. On looking back for the last four years, we have seen the continent of Europe torn by convulsions; but during that period the aspect of this country has been tranquil and loyal, and any threatened danger to our institutions has been met by the general spirit and unanimous feeling of the country. Sir, it appears to me that this is the proper time for considering whether any further extension can be given to the right of voting consistently with the principles of the constitution, by which the prerogatives of the Crown, and the authority of both Houses of Parliament, and the rights and liberties of the people, are equally secured. I know, Sir, there are some who say that we ought to wait rather until there is agitation on the subject—that it is better to legislate upon a subject of this kind when the passions of the people have been aroused—that then there is great discontent on the one side, and great fear on the other. Sir, I totally differ from that opinion. If we think it is desirable to make any further extension of the right of voting, or to make any amendment in the state of the representation, it is well to consider the question with calmness, in a time of tranquillity, and to confer those franchises without compulsion, as a reward of past conduct, and as a security for the permanence of the institutions of the country. I believe, therefore, I am doing right in now bringing forward a question of this kind consistently with the many previous assurances that I have given to this House on the subject. I repeat this because I am aware that it has been asserted, but asserted without a shadow of foundation, that it was merely on the spur of the moment, being pressed by the Motion that was made last year, that I gave a promise that I would bring this subject under the consideration of the House during the present Session. Sir, it has been stated by me, and was so stated in the year 1848, that although I could not agree to Motions that were made in this House, especially to a Motion made by my hon. Friend the Member for Montrose (Mr. Hume), my opinion was that it might be advisable to consider the further extension of the franchise at a time when the subject could be solemnly and deliberately considered. In the year 1849, I accordingly brought under the consideration of the Cabinet, whether we should introduce such a measure into Parliament; and it was thought that as such a measure must lead, before any long period, to a dissolution, it was advisable not to bring it forward in the then ensuing Session. Again, last year, there was a deliberation of the Cabinet on this subject, and the reasons for postponement appeared to outweigh those for immediately bringing forward the measure. But although the reasons for postponement were valid, yet it of course exposed me, or any one on whom might devolve the duty of stating the course of the Government, to this disadvantage, either that I must, by giving reasons against the Motion that was made, and opposing it altogether, conceal that which was the real intention of the Government, and thus appear to pledge them to a course which they never meant to follow; or, on the other hand, I was obliged to state the tenor of my general intentions, and thus in some measure give information which would raise expectation and lead to hopes that might not probably be realised. I therefore preferred the latter alternative. No doubt that course has not been without inconvenience. I must say, however, that there was nothing that I had ever said—there was no expectation which I had ever held out—that could induce extravagant hopes on the one side, or exaggerated fears on the other, as to the nature of the measure I was about to propose. Sir, having said this much as a preface to my statement, I think it will be convenient if the House will, with me, review the measures that have been taken, and indeed the measures that have been proposed, on this subject at various times. I do not mean to enter into any discussion with respect to the general principle of representation. I believe it is now very well agreed that the claim to have the franchise extended to every individual, is not a claim which can be supported. The object to be gained is good government; and the mode of obtaining a fair representation of the people, and of obtaining a representation which can perform the functions of the House of Commons, is to be sought for in any measures that can be adopted. In considering any measures that affect the representation of the people and the mode of electing Members to this House, we must always consider how great and important are the functions which this House has to perform. I do not know any example—certainly not in modern history, scarcely in ancient history—of functions so important being performed by any similar body; for not only are all the laws submitted to us—not only must the taxes be voted, and their expenditure regulated by this House—but that power over the public purse which this House possesses, has gradually led it to give advice to the Crown on all questions of its influence upon other questions connected with the Administration and Government; and this House is frequently called upon to exercise the right which it so possesses. On referring, Sir, to the proceedings with respect to the representation of this House in former days, we find that in the year 1782, when there was great excitement on the subject of reform, Mr. Pitt brought forward a general Motion, without stating any particular measure. He was supported by Mr. Fox, who, with his usual good sense and grasp of mind, said he did not agree with those who would restrict the franchise to any particular class or interest, but should like to see all classes and interests represented. In the year 1785, Mr. Pitt—holding then the important offices of First Lord of the Treasury and Chancellor of the Exchequer—brought forward a more mature measure on the subject. He proposed that a fund of 1,000,000*l.* should be set apart which should be devoted to the purposes of purchasing thirty-six small boroughs returning Members to Parliament; and he proposed that those Members should be replaced in the House by Members representing counties: in that respect following the idea Lord Chatham entertained, that what was most to be desired in this House was an addition to the county representation. He proposed, moreover, that there should be a sum also granted for the further purchase of boroughs as they came into the market, by means of which some of the largest towns which then were becoming populous would obtain the right of sending Members to Parliament. He also proposed a great extension of suffrage in some of the larger towns. That proposition was rejected; and when in the year 1790 Mr. Flood proposed the adoption of a measure of reform, Mr. Pitt declared that, although he had not changed his opinions as to reform, he did not think the discussion of the question would lead to any advantageous result, and therefore moved the Orders of the Day. I will pass over the various Motions that were made while this country was agitated by the French war and the French revolution. I think those measures and plans were, in a great degree, influenced by the violence of the passions which then prevailed, either in favour of very large popular rights, or, on the other hand, in favour of power for putting down any attempts to change the constitution. A considerable time after the termination of the war, in the year 1821, a measure was brought forward by Lord Durham, then Mr. Lambton, by which the country was to be divided into districts; but that plan was rejected by the House. In the year 1822 I myself had the honour to bring forward a plan of reform by which I proposed that 100 Members should be taken from the smaller boroughs — taking one Member from each of those boroughs—and that sixty of those Members should be given to counties, and forty to towns. Mr. Canning made a most eloquent speech in that debate, and gave me at the conclusion of it great hopes of success on some subsequent occasion in obtaining a reform of the representation. Mr. Canning pointed out the difficulties I should have to encounter, if my plan was carried into effect, of maintaining the burgage tenure, which every person knows was a species of occupation, and entirely in the hands of the proprietors. Several Motions were made in this House during the period that elapsed between 1822 and 1831; and I brought forward in 1831, as the organ of the Government of the day, a plan of reform which was the basis of that which was afterwards passed by this House. I hold in my hand the original paper which was submitted to Lord Durham, Lord Duncannon, and Sir James Graham, in December, 1830, and which is marked in Lord Durham's handwriting, "Lord John Russell's plan;" that plan proposed that fifty boroughs should cease to return Members to Parliament—that fifty others should only have one Member each—and that in cities and boroughs generally a 10*l.* household franchise should be established. I proposed likewise certain changes somewhat similar to those in the former plan. This plan was discussed and laid before the Cabinet in a shape a little modified from the original of that measure I proposed. It was thought better, however, to take the limit of population, and it was proposed that all boroughs having under 2,000 inhabitants should cease to return Members, and that all boroughs having a population of from 2,000 to 4,000, and up to 6,000 inhabitants, should each return one Member. In the long and animated discussions that followed the proposition of that plan, a difficulty arose with respect to the assumed population of the different boroughs. As the population returns gave the boundaries of parishes and not of boroughs, there was a great difference in many cases between the population as assumed, and the population as it should be taken. It was necessary, in consequence, to appoint Commissioners who would ascertain the real boundaries of the boroughs, and to obtain more accurate information with respect to the real number of the population and houses. In the subsequent Reform Bill, as brought before another Parliament after the dissolution, it was proposed not to take, as I did at first, an arbitrary number of fifty boroughs to be disfranchised, and fifty others to be left with the privilege of returning only one Member each, nor to take the limit of population simply, but in reference to the boroughs to be disfranchised, to take, as the test for disfranchisement, the number of the houses and the assessments to the assessed taxes. Such was the basis upon which that part of the Reform Bill was founded. It went upon the basis of the smallness of those boroughs, on the ground that many of them were places without any inhabitants at all. In others, the inhabitants were few in number, and never had any right of voting. The burgage tenure was in the hands of the proprietors, and therefore nomination, strictly and properly so called, existed in those boroughs. In proposing the great changes that we then proposed—in proposing that a great number of large towns should then be enfranchised—that the great seats of manufactures, as Manchester, Leeds, Birmingham, Sheffield, and other places, should have Members—and in proposing likewise a very considerable addition to the county representation, we did not, in disfranchising a great number of boroughs having a small population, go to the extent of saying that no borough with a small population should have Members, but only to the extent of determining that those boroughs which we conceived to be nomination boroughs should cease to return Members. These are the words I find reported—not actually the very words I used, but the substance of what I said on introducing the second Reform Bill in the month of June, 1831:—

> "In the representation, as we propose to leave it, there will still be a class which some may think a blot on our system, but the existence, I think, will add to the permanence of Parliament, and to the welfare of the people—I mean that there will be a hundred or more Members from places of three, four, five, or six thousand inhabitants, who will not perhaps immediately represent any particular interest, and who may, therefore, be better qualified to speak and inform the House on great questions of general interest to the community. If we had proceeded as some recommended, viz., to destroy the existing system, and to allow none but Members from counties, and large cities and towns, although it would have been a representation of the landed, commercial, and manufacturing interests, something would still have been wanting to its completeness. That something I find in a number of persons not connected either with the land, commerce, or manufactures, but who are certainly well worthy to enter these walls, and able to give advice and advance opinions important to the welfare of the community."—[3 *Hansard*, iv. 338.]

The fault that was then found with our plan was not that we had not destroyed those boroughs; but it was said with respect to Schedule B that we had gone too far—that we were taking away Members from that class that was stated to be, and that we admitted were, an important class of Members in this House. I have stated this, because you will have reason presently to see that it comes immediately to bear upon the question as regards the plan we shall now introduce. In the first place, I think that if we had none but Members of counties and Members for large cities, it would be impossible to say that the people of this country were fairly represented. You would not find with respect to counties that others would be selected as representatives than those who were generally known from residence or property in them. You would not find in other large places that persons who did not immediately represent the popular opinion of the day would be re-elected. You would find, therefore, that many of those persons to whom I have referred would be excluded completely from the representation, and the result would be an incompleteness in the representation of the country. Other nations have endeavoured to remedy that which is an obvious fault in representation founded solely on numbers. In ancient Rome they had a particular contrivance to give weight in certain cases independent of numbers. We find also in the United States of America, that besides the institution of the Senate, whose members do not immediately represent numbers, but are chosen according to the constitution of each State, there is a power in the President of the United States, holding the executive office, which is a power in some respects beyond that which the Sovereign of this country possesses. The President of the United States, in choosing the Members of his Government, may utterly disregard the wishes of Congress, and choose any person he pleases, to represent any policy he pleases, and does not consider them responsible to Congress, but to himself, as head of the Executive. Thus, in that constitution, the Congress, in this respect, holds a different position from that of the House of Commons, whose deliberations and decisions affect all holding office under the Crown. I therefore hold that it would be extremely unwise to destroy the balance of the constitution, as we should do if we were to say that we would have none but the representatives of counties and large cities and towns, and that we would admit of no other kind of representation. In the Bill of 1832, we proposed, as I have said, a large and wide disfranchisement, and we did that on the ground that there were certain boroughs that did not and could not represent the opinions of the inhabitants, and therefore were unfitted for admission to the representation. We did it likewise on the ground that there were many great towns and places of manufacturing industry which could not otherwise obtain Members, as it was desirable not to increase the number in the House; but on looking to the present state of affairs, I cannot see that there is any such ground of necessity as should induce us now to have recourse to any absolute disfranchisement. It appears to me, as I have stated more than once, and stated at the time of the discussion on the Reform Bill, that nothing but a great necessity should induce you to resort to an arbitrary and absolute disfranchisement. What we propose by the name of disfranchisement is simply this—to disfranchise in every case of proved corruption; and by the second Bill I have to bring forward this evening, I propose that there should be a considerable change in the mode of inquiry into cases of corruption. It is no doubt true that there exists at the present time many boroughs in which bribery has become inveterate, and that it would be difficult for any one to obtain his return if he did not resort to those corrupting practices. I own that I think considerable damage was done in this respect by that which otherwise was a great improvement of the law—the Grenville Act. The Grenville Act enabled parties to come forward and state their own case, as between A and B, as to whether A or B had a right to be returned, with all the modes of evidence and the costs of counsel that belonged to the trial of a civil action; but while this good was obtained, that the return of a particular Member, or making void an election, was no longer a matter of party dispute in this House, this mischief at the same time was done—that a seat was no longer considered as a matter of public interest, of which the whole House could take cognisance. At the beginning of the last century, when Mr. Sheppard had resorted to extensive and corrupt practices in various boroughs, his conduct was considered worthy of notice by Sir Edward Seymour, then an eminent Member of this House, who proved the corrupt practices in every borough, and established facts, for which he obtained the thanks of the House. But as the matter now stands, as soon as the person who wants the seat obtains the end of unseating his opponent, the inquiry finishes. Of course he will not incur the expense of resorting to further proceedings; and while the question respecting the seat is no doubt fairly decided, the question of public justice and the purity of this House, are left uninquired into. Now, Sir, what I propose is, that on an Address from this House to the Crown—be that Address based on the Report of an Election Committee, or of a Select Committee appointed by the House, or, if the House think proper, on common fame and notoriety—it shall be lawful for the Crown to appoint a Commission, which Commission shall resort to the borough, and there prosecute the same means of inquiry that were so lately exercised with so much success in the case of St. Albans. By this mode I conceive that in many cases we shall obtain evidence sufficient to enable us to disfranchise a corrupt borough. I do not think the other House of Parliament would complain of this mode of proceeding, because no disfranchisement could take place without their concurrence, and the evidence of corrupt practices would be as open to them as to us. It would then be possible for us occasionally to enfranchise large towns in the country, which have a great population, and are the seats of trade and manufactures. Of course the House, if it thinks fit, can, on disfranchising a borough, as in the case of Sudbury, give the Members to any large county instead of giving them to a town, but I think that in those cases towns should have the preference. With regard to the two seats which are at the disposal of the House by the disfranchisement of Sudbury, we propose to give a Member to Birkenhead, and a Member to Burnley. If Parliament shall agree to the disfranchisement of St. Albans, we will propose, in like manner, that two other large towns should each return a Member to Parliament. I am now merely speaking of the disposal of the two seats that have become vacant by the disfranchisement of Sudbury, and reminding you that, of course, if St. Albans shall be disfranchised, we shall have two seats more to dispose of. The principle of disfranchisement which we propose to adopt is this—to disfranchise in cases of proved corruption, but not to adopt any arbitrary rule of disfranchisement. I come now to what we propose with regard to the extension of the suffrage. It appears to me there are two grounds on which we may propose a considerable extension of the suffrage in the cities and boroughs of the United Kingdom. At the time of the Reform Bill, in placing the right of voting in householders where the value was 10*l.* a year, we did what I think it was right to do, and what it was our duty to do; we placed the suffrage rather higher than it was necessary to fix it. We did that at a time when, together with a great wish to reform, there was a great desire that it should be a complete reform, and we were very unwilling to place the suffrage in hands that were unworthy of it. I own I think that, although we were right in proposing the 10*l.* franchise at that time; yet, after all we have seen of the safety with which our institutions have worked since the passing of that measure, which menaced, it was said, all our institutions, we might now place the franchise lower. But, Sir, there is another ground which I confess has great influence on my mind, and it was the ground upon which I very much based the original proposition for reform in 1832—it is the ground of the growing intelligence and education of the people. I could prove that proposition if I thought it necessary to go into details, but I shall not weary the House by thus adding to the statement I have to make. I could prove it by showing the increased sale of newspapers and books, and by the great number of schools that have been established since 1831. I could prove the great increase that has taken place in intelligence amongst the people of this country, but I do not think that it is necessary to go into those proofs at this time. I think that the experience of every Member of this House is sufficient to induce him to concur with me, and to say that the franchise which was given in 1832 might be made more extensive at the present time. We propose, instead of householders of the rated value of 10*l.*, occupying houses or shops of that annual value, to take householders of 5*l.* rated value. In looking at the general returns which have been received, I should say that, in point of numbers, the proportion of householders, of from 5*l.* to 10*l.* rated value, as compared with those of 10*l.* and upwards, is as six to ten. It will be seen, therefore, that when we propose to lower the franchise in cities and boroughs to 5*l.* rated value, we shall add a very great number of persons to those who now exercise the elective franchise. For my part, I am persuaded that the franchise may be safely entrusted to them, convinced that they are a class of householders with whom our institutions will be in perfect safety, and who have intelligence sufficient to entitle them to exercise the power which we propose to place in their hands. With regard to counties, I do not propose to make any change in the principle from that which has been the general constitution of this House, that the representation of counties should be placed on a different basis from that of cities and boroughs. The greatest change that was made in this respect at the time of the Reform Act was a change which was introduced by a Nobleman, then a Member of this House, and now of the other House of Parliament (the Duke of Buckingham). That which we proposed went on the principle of tenure—40*s.* freeholds, copyhold tenure, and leases of a certain duration—not losing sight of the original difference between county Members and borough Members, the one being founded upon tenure, and the other upon occupation. But the proposition of that noble Lord, which was sanctioned by a majority of this House, gave to occupiers rated on a rental of 50*l.* a year a right to vote. I think, indeed I thought so at that time, that we may fairly lower the franchise to that amount which entitles a man to sit on a jury. Among the jury qualifications is one, that persons occupying property of the rated value of 20*l.* a year are qualified to serve on juries. I think that a person who is qualified to serve on a jury cannot be an unfit person to be entrusted with the elective qualification. Besides this right of voting, we propose to reduce the amount with respect to copyholders and long leaseholders, from 10*l.* to 5*l.* There is another right of voting which I have to mention, and which we propose should be given indiscriminately to persons residing either in a county or a borough—that is to say, if they reside in a county without the limits of a borough, they may vote for the county; and if within the limits of the borough, they may vote for the borough: these new voters being persons paying direct taxes in the shape of assessed taxes, or paying income tax to the amount of 40*s.* a year. We do not propose that persons paying licences—though they may be taken as direct taxes—should have the right of voting, because we think it might be liable to abuse. But with regard to persons who pay 40*s.* a year in direct taxes, we propose that the right of voting should be given to them, and clauses have been drawn to carry out this object. Now, the reason on which this particular franchise is founded, is the objection which has been constantly made, and not without reason, that while persons having freehold property, and others occupying leasehold property, are possessed of the franchise, there are great numbers of well-educated men who, not having that particular species of property, are debarred from the right of voting. We hope, therefore, by this proposition to enable them to have votes, and thus to contribute to the representation of the country. Having stated the extension of the franchise within the existing limits, I come now, Sir, to state that I propose an extension of the franchise without the limits of certain small boroughs. As I have already stated, I think, on principle, that we were right at the time of the Reform Bill in maintaining a certain number of boroughs of that kind; and I do not find that any of those whom I have mentioned—Mr. Pitt, Mr. Fox, or any of those who brought forward measures of reform—have agreed to the total destruction of small boroughs. I find there is at this time an outcry against them; but that outcry, with the exception of certain cases to which I shall hereafter have to allude, is founded on the mistaken notion that all the smaller boroughs of the country are infected with bribery and corruption. Now I believe that is a great mistake. I believe that while bribery and corruption exist in many of the smaller boroughs, the same thing may be said, and to as large an extent may be said, of many of the larger boroughs. I do not believe it is at all peculiar to those smaller boroughs; I believe, on the other hand, that there are many of those boroughs in which bribery is almost unknown, and where elections have been conducted with perfect purity. But it is said, and said certainly with great truth, that with regard to many of those smaller boroughs, not only does the influence of property prevail, and not only does property influence the elections, but that the property of individuals is so overwhelming in many of them, that they approach the character of those boroughs in which direct nomination formerly prevailed. Now, Sir, I think it desirable to take away that reproach, because, although we might at the present time leave these boroughs totally undisturbed, yet I cannot but think the continuance of that reproach, and the odium into which they would fall, would render it doubtful at some future time whether they could be maintained. We propose, therefore, with regard to a certain number of those boroughs, to diffuse the influence, as it were, and to add some of the neighbouring towns in the same county, or towns in the neighbouring counties, and give them the right of sending representatives to Parliament. The line which we take is not founded on that which was taken in the time of the Reform Bill, namely, the number of houses assessed to the assessed taxes, because we have now at hand better, and, I think, a more convenient test for the point under consideration. At the time the Reform Bill was discussed in this House, I stated that, in my opinion, nearly all the boroughs should not have less than 300 voters each. While this has been proved to be the case generally, there are fourteen smaller boroughs which have less than the number I have stated; there are upwards of thirty more with less than 400 electors, and several more that have less than 500 electors. When I speak now of electors, I am speaking of permanent electors, namely, those who are 10*l.* householders, and those who are freemen holding the right to vote, which was maintained and guaranteed to them at the time when the Reform Bill passed. We propose to go up to the number of 500 of those permanent electors, and to add places to all boroughs which have less than 500 of such electors, consisting of 10*l.* householders. The number of boroughs to which this principle will apply is sixty-seven. I am speaking now only of England and Wales. I do not wish at present to enter into any details on this subject, because I think those details will be far better discussed when the Bill is before the House, and when it will be seen in what manner this principle will operate. There is an observation which I must make, which is an observation certainly founded on truth, although it may have different effects on gentlemen who take different views on this subject; it is, that those smaller boroughs are, generally speaking, with the exception of Yorkshire, in the south and west of the kingdom. They are, therefore, boroughs situated rather in the agricultural than in the manufacturing and commercial parts of the country. It follows that the places which we can join to those smaller boroughs, being places in the neighbourhood of towns of somewhat the same character, are not towns bearing the character of or likely to rise to manufacturing or commercial prosperity. The effect, therefore, of this is, whether it be right or wrong, whether it be judged politic or impolitic, to maintain the same general balance established at the time of the Reform Bill. It is obvious, if we had disfranchised those boroughs, and if we had given the right of voting to towns in the north of England, there would have been a disturbance of that balance, and that the agricultural interest would have been depressed and the manufacturing raised in its stead. That might be a right thing to do; that might be what many Gentlemen would wish; but I will frankly say it is not what we are prepared to do. We are prepared to extend the franchise; but while we make large additions to boroughs, we propose to leave general interests as we find them, and not to disturb them; feeling, if we did so, we should only raise a fierce struggle, which would inflame the minds of Members of this House, while it would cause our measure to be strongly opposed in the other House of Parliament. I have now stated the general purport of the measure with regard to the franchise. There are other provisions in the Bill which I propose to introduce, which I will shortly state. In answer to a speech of a right hon. Friend of mine last year, I stated that no good end was attained in retaining the present property qualification of Members of Parliament, seeing that it was so capable of being evaded; that I thought it had been introduced contrary to the general principles of representation, and that for my part I should willingly see it abandoned. Sir, maintaining that opinion still, I avail myself of this opportunity of repealing all those Acts, beginning with the Act of Anne, by which those various property qualifications were imposed. In so doing, I shall propose that Members for places in England and Ireland shall be in the same position as those representing places in Scotland, and I think that in point of property no one will say the Scotch Members of this House are in any way inferior to those of England or Ireland. Sir, there is another provision which I propose to introduce into this Bill, but which I cannot introduce at first without going into a Committee of the whole House. It appears to me that the state of the Oaths required to be taken at the table of this House are not such as can be consistent with the Bill. In the first place, we make it necessary to abjure James III. and his descendants, and to enter into various particulars with respect to that family, in regard to which it is not now necessary to say what it was necessary to say in the reign of the first Prince of the House of Hanover. In the next place, I think there is an invidious distinction made in the oath between Protestant and Roman Catholic Members. It appears to me, then, there ought to be an oath which Protestants and Roman Catholics can alike take. I cannot see what is the advantage of making the Protestant abjure the ecclesiastical and spiritual supremacy of the Pope, if you think the Roman Catholic, of whom alone you could be afraid in this respect, abjures only the Pope's temporal and civil supremacy; nor do I think that there is any advantage in the provision which leads a Roman Catholic to declare that he will maintain the established laws of property, that he will not attempt to subvert the Protestant religion, or to interfere with the settlement of the Church as established in this realm. It appears to me that an oath for these purposes is totally useless. If a Member admit on taking his seat in this House that he has no wish to disturb the Established Church, the oath is then useless; but if he comes here determined to disturb the Protestant Church, and to do all that he can to injure it, then I say an oath will not prevent him doing it. On the other hand, as it merely affords opportunities on certain occasions for taunting Roman Catholics with a violation of their Oaths, I think these provisions had far better be abandoned. It will, therefore, not surprise the House to learn that the new form of oath which I have provided is, generally speaking, the Roman Catholic oath, with certain omissions, and that I have not re-enacted the words "on the true faith of a Christian." It is abundantly clear that those words were not originally introduced in order to confine the right of sitting in this House to Christians, but for another purpose; and it is also well known that the Judges of the land are not quite ready to decide unanimously as to the bearing of those words, and as to whether any penalty has been incurred in a recent instance. It appears to me to be far better to make a simple oath which all the Members of this House could take, and which should pledge them to allegiance to the Throne and fidelity to the succession, and which would not obtain the objectionable requirements I have mentioned. There is another provision of the Bill, which I conceive will not be objected to, and which the existing state of the law seems to render necessary. At present, if a Member accepts an office under the Crown, it is well known that he vacates his seat. Whether that was originally a wise provision, I will not say; but it is quite clear that it gives the electoral body an opportunity of saying whether they choose to have a Member who is in office, and will therefore be expected to give his vote with the Government of the day, or whether they require that their Member should be independent and unshackled by any kind of tie. But there is another provision which appears to me to be totally unnecessary. It is, that when a Member changes his office—for example, having been Solicitor General, he becomes Attorney General—he must vacate his seat and go again to an election. It appears to me, that the electors having once had an opportunity of deciding when their representative accepted an office under the Crown, he should not again be called upon to appear before them on changing his office. I propose, therefore, to alter the law to that extent. Sir, I believe that I have gone through all the main provisions of the Bill which I propose to introduce. It appears to me to be in consonance with that which I have frequently said we should endeavour to attain, namely, to have a supplement to the Reform Bill, and not to provide a substitute for it. I have now for thirty years devoted great attention to this subject. Indeed it is more than thirty years since I first proposed a measure on a subject of reform, and it is nearly thirty since I proposed a measure when I was met by the ability and eloquence of Mr. Canning. Since that time I have succeeded, under the auspices of Lord Grey and his colleagues, in carrying a large measure of reform; and, so far from fulfilling the forebodings of Mr. Canning, I am happy to say that measure has tended to promote the happiness and liberty of this country, while it is one which has in no respect endangered the Throne or any of the institutions of this country. I trust that in proceeding further in the same direction, but, in so proceeding, taking care to measure your steps and to weigh the advances you make, you will contribute still further to the liberty and prosperity of the country, while you maintain the framework of the constitution. I have only to say that two other Bills will shortly be introduced—one relating to Scotland, which makes some provision with respect to the prevention of fictitious votes, by taking care that the titles to the qualification shall be completed by the actual infeoffment of the owner. It provides also for the reduction to 20*l.* of the franchise in counties, and to 5*l.* of that in cities and boroughs, whether with respect to owners or occupiers. With regard to Ireland, which, in respect to the representation, has been under the consideration of Parliament very lately, we do not propose to make any alteration with regard to the county franchise; but with respect to the franchise for cities and boroughs we do propose to reduce it from 8*l.* to 5*l.* It appears that an 8*l.* franchise has greatly restricted the number of the electors. With regard to the very small boroughs, whether it is not advisable to add neighbouring towns to them I will not say, nor will I say how far the proposed extension of the franchise with regard to the Irish boroughs is likely to enlarge the number of electors; but when the Bill is introduced it may be a question for the House to consider how far that addition in some of the existing boroughs can be made. Sir, I trust, that when this enlarged franchise is given in the way I have stated, we shall next see the Government of this country, in whose hands soever it may be placed, considering most seriously and earnestly the great question of the education of the people. In my mind this question of the franchise is not alien from that other one of providing that the instruction and education of the people should be in a better state than it now is. I am convinced that if after a measure of this kind, in another Session of Parliament this House shall consider the means of establishing a really national system of education, they will confer one of the greatest blessings which can be conferred on this country—one for which I believe the people are now almost prepared, and which, after further discussion, I do trust may be carried with very nearly a general assent. I do not propose now, however, to enter into this question. I have stated the general principles of the Bill I propose to introduce, and I rejoice that in this time of quiet and tranquillity we may fairly consider that we are not acting under compulsion of any kind, that we are not obliged by any clamour to introduce this measure, but that we do it with an earnest and humble hope that we may contribute something to the happiness and the liberty of the country.

Question proposed, "That leave be given to bring in a Bill to extend the Right of Voting for Members of Parliament."

Mr. HUME said, he had waited with great anxiety for the statement which had just been addressed to the House; and he begged to say, at the outset, that in much that had fallen from the noble Lord he entirely and most heartily concurred. But, excellent as was the statement of the noble

Lord, as far as it went, it was vitiated by its omissions. He (Mr. Hume) did not, however, at this stage, intend to do more than observe on one or two points which might still be worthy the consideration of Her Majesty's Government. In the first place, he objected to the leading proposition of the noble Lord, that the people of this country were not entitled to the suffrage as a right. He should be prepared, at a future period, to show that Lord John Russell, in 1792, the period alluded to that evening, declared the right of every citizen to possess the suffrage, provided there was no disqualification arising out of a violation of the law. The Lord John Russell he referred to was not, of course, the present Lord John, but his predecessor. The noble Lord had also referred to 1781 and 1790; and it would have been well if, on this occasion, and in 1832, the noble Lord and his colleagues had followed the advice which, even thus early, had been given, and the opinions thus early pronounced, by Fox, the Duke of Richmond, Mr. Grey, and Mr. Lambton. There was no doubt, however, that this Bill, as introduced now, would be productive of much good. The noble Lord congratulated the House upon the calmness and quietness of the period at which they approached the consideration of this question. There was no doubt that such a period was most fitting for a discussion of the question of reform. But it was also a period for the settlement of the question; and the noble Lord ought to have taken advantage of such a season, by a bold measure, to set at rest every possible dissatisfaction, and to equalise the franchise throughout the country. Why did not the noble Lord at once propose to extend the forty-shilling freehold franchise throughout the United Kingdom? The Bill to be introduced was, after all, but a patching up of that Reform Bill of 1832, which was based upon no intelligible principle. There was here, again, no intelligible principle; and he warned the noble Lord that this measure would not meet the justice of the case, and would not appease the demands of the people. The noble Lord probably intended this to be a soothing and quieting measure, and if so, he would be disappointed; for, sooner or later, there would come the inevitable protest of men who felt themselves aggrieved in being denied what they regarded as their rights. Even as the Bill stood, and as far as it went, it was in itself imperfect, unaccompanied by the ballot. He deeply regretted that omission. He also deeply regretted that the noble Lord had avoided the question of triennial Parliaments. The noble Lord had adopted a wise principle in proposing to abolish the qualification for Members, and to place representatives for English and Irish constituencies on the same footing as hon. Gentlemen from Scotland. But why, when adopting this principle with regard to the elected, did not the noble Lord assent to it in respect to the electors? Why not place the suffrage on a uniform basis throughout the United Kingdom? The principle that taxation and representation went together had been recognised, theoretically and practically. All those great authorities named that evening by the noble Lord, had admitted this principle; and, before long, the country would insist on that principle being carried out. He, as a reformer, who was asking for very much more than the noble Lord seemed prepared to give, begged to express his wish to meet every one of the propositions of the Bill on their merits, as they would arise; and he hoped to be able to persuade the House to increase greatly the value of the measure, and to remove many of the anomalies and injustices which, it could not be denied, did exist. There was no doubt that there was considerable apathy at this moment among the unenfranchised themselves; and when people were well fed and fully employed, they did not think much of troubling Parliament. But that was the very time of which Parliament ought to take advantage to consider such a comprehensive measure as would meet the requirements, present and future, of the community at large. This Bill would leave out of the possession of the franchise 2,000,000 or 3,000,000 of the artisans and working men, the very strength and muscle of the country; and the House might be assured that these men would not endure their degradation for any great length of time. The noble Lord, he therefore thought, had missed availing himself of an opportunity of performing a great act of justice.

Sir JOHN WALSH said, it was about twenty years ago since he had the advantage, or disadvantage, of witnessing the exposition of the noble Lord in introducing the great Reform Bill, which afterwards became the law of the land; and when he contrasted the manner in which the announcement of that measure was received by the House of Commons—when he recollected the intense excitement which pervaded all parts of the House, and when also he contrasted with that excitement the frigid indifference with which it appeared to him the statement of the noble Lord had been received to-night, he could not doubt that when the noble Lord said that he had chosen the present time for the introduction of the measure, because there was little general or public interest attached to the subject, he was perfectly correct. During the twenty years which had elapsed since the period to which he (Sir J. Walsh) had referred, the noble Lord had filled many high situations, and had run an eminent political career. But he (Sir J. Walsh) did not think that, in the whole course of that career, the noble Lord had ever incurred a responsibility so deep, or taken a step so questionable, as he had done on the present occasion. Well did he recollect the numerous discussions which took place on the introduction of the great measure of 1831. But he hesitated not to assert, that throughout the whole of those discussions, it was alleged as one of the grounds for making that measure so large and so comprehensive, that it was intended by its authors to be a final settlement of a great constitutional question. He did not accuse the noble Lord of a breach of an honourable understanding, nor did he mean to throw out an imputation on his personal character; but he did say that the Government of which the noble Lord was then a distinguished Member—that the authors of that great measure presented it to the House of Commons upon the ground that, being so comprehensive and being so large, it would obviate the necessity of repeating an experiment which must always be considered a dangerous one—that of tampering anew with the fixed institutions of the country, and plunging again into those changes which must ever be considered as in a greater or lesser degree possessing the character of revolution. If his recollection served him rightly, he believed that during a great portion of the period since the passing of the Reform Act, the noble Lord had defended the position that that measure ought to be final, and that he had incurred a considerable amount of odium on the part of those who, though not his habitual supporters, sat very near him in that House. Having brought it forward as a final settlement, on what alleged grounds did he now reopen a question which, from its very nature, must so shake the institutions of the country? He told the House that because nobody asked for it, because the country was so exceedingly quiet about it, because the people were prosperous and there was no excitement about it, therefore this was the time when he who said twenty-one years ago that the settlement of that period ought to be final, should propose a large extension of the franchise. When the fumes of party spirit should be dissipated, and posterity began to take a calm review of the political career of the noble Lord, this would be one of those acts which his biographer would find it most difficult to justify—one of those acts which would most expose him to the imputation of sacrificing the interests of the State to the interests of party—"to party giving up what was meant for mankind." The reform of 1831–32 was not only pressed upon Parliament on the ground of its being a final settlement of the question; when it was passed it was accepted as a final measure by hon. Members opposite. He well remembered that the late Sir Robert Peel prophesied that, not from his side, not from the party of which he was then the great leader, would the first inroad upon that measure originate, but from the Gentlemen opposite. The prediction of that eminent statesman was now accomplished, and the noble Lord had chosen this moment to fulfil the prediction. One result at least must follow from this breach by the Government of the principle of finality, namely, that others who had watched the results of the Reform Act, not with unmingled approbation, and who could not assent to the panegyric upon its consequences and beneficial effects which the noble Lord, its father, was naturally inclined to render to it, would feel that they were no longer bound to any reserve in questioning its results, and denying the argument based upon the assertion that it had worked so beneficially for the country. On the first night of the Session the hon. Baronet the mover of the Address, in a very clever speech, took credit to the Reform Act for all the good done, for every progressive advance society had made, since that had happened: he did not mention the electric telegraph, but, no doubt, in his own mind, he included it. He (Sir J. Walsh) thought there were some results of that Reform Act which had not been so very beneficial; he thought results might be traced to that measure which, so far from sustaining the argument of the noble Lord, supplied reasons for proceeding most cautiously in further strides in the same direction. What had been the history of the

Governments of this country since the Reform Act—Lord Grey's, Lord Melbourne's, that of the noble Lord himself? Had not this been a pervading characteristic of them—weakness? Could the Gentlemen opposite pretend to say they had ever held the reins of a strong Government since? Every Government, without exception, which had been in office since the Reform Act passed, had been marked by one characteristic, that of inherent weakness. But was a weak Government, a vacillating Government, a Government which did not know its own policy, and whose policy no one else knew—was this so great an advantage to the country? It was not to be traced to deficiency of Ministerial capacity on the part of Gentlemen opposite, but to the changes in the constitution which they had introduced, and which had rendered them unable to carry out any systematic policy, or put in practice their own views and ideas. The hon. and learned Member for Sheffield (Mr. Roebuck) the other night, in a speech marked by his usual causticity, assailed the Administration in every department as weak and incapable. It would be impossible to deny the force of his charges; but in his (Sir J. Walsh's) opinion, the causes of all this maladministration was to be found, not in the personal deficiencies of individual Ministers, but in the defects of a representative system, which paralysed the Executive power. The noble Lord had forgotten to state what results he anticipated from the present measure; but surely it must aggravate these evils. The Ministry now, instead of being a Government, was rapidly becoming a sort of bureaucracy—a set of clerks merely carrying out the orders of the House of Commons; and the House was continually imposing different laws upon the Ministry, and interfering with any fixed plan which they would themselves carry out. He would give an instance: the noble Lord had had to complain on the subject of the national defences, that the House of Commons had reversed the policy adopted by acclamation two or three years before under a general panic and cry for better defences; and he had to say, "We really don't know what to do; the people never seem to know their own mind; after obliging the Government to raise the scale of the national defences, they turn round and tell us the panic is unreasonable, and we are extravagant." The noble Lord now found again another popular reaction, and was called upon to increase our national defences. This constant seesaw was owing to the pressure which had neutralised the power of the Government within the walls of that House. There was another point to be noticed in regard to the influence of the Reform Bill upon the deliberations of the House. A section of Gentlemen were introduced by that Bill, who took a prominent part in discussion, and who came to the House as the mouthpieces and delegates of organised associations out of doors. He (Sir J. Walsh) was not speaking of those who represented large constituencies, and were fond of stating how many electors they represented, but of those who were connected with political associations out of doors, and who, as was the case of the late Mr. O'Connell and of those who were connected with what was called the Manchester party, brought the force of those associations to bear upon, and to a certain degree overawe, the deliberations of the House. That was a new feature in the House of Commons, which originated with the Reform Bill of 1832; the only effect of which had been to lower the character of Parliament in the eyes of the country; to destroy the prestige of influence and authority which it possessed; and to render it far less efficient as the representative of the deliberate judgment of the people. It had, in fact, destroyed all that moral influence and authority which the House of Commons, in olden times, used to exercise over the interests of the country. Formerly the House of Commons used to lead; now it only followed. But, furthermore, the noble Lord, by bringing forward this measure, broke in upon the principle of finality; for if once that principle was abandoned, it of course was gone for ever. There would be no security hereafter that any step which might be taken could be considered final. The question must be always in a state of transition, and no principle of stability would be left in the constitution of the House of Commons. He considered the details of the noble Lord's measure to be of the most temporary character. They could not have the slightest certainty but that next year they might be changed. One of two consequences must inevitably result from this constant tampering with the institutions of the country, and this perpetual change of the constitution on which those institutions were based. Either they would overturn the English mixed constitution, and render it very much like, if not altogether, a democratic republic; or (which he considered more probable) they would render the House of Commons, what there were many indications showing that it was becoming—a representative assembly utterly unable to fulfil those purposes for which it was instituted. He cared little for idle theories about the right of representation being coextensive with taxation, or the like, which had no foundation either in nature or in society. What was wanted was a good and an efficient Government; but that could not be secured under a system of perpetual change in the constitution of that House; such changes would make the House unfit for its constitutional purposes. It was quite notorious that the House was now breaking down under the influence of reform. The hon. and learned Member for Sheffield had noticed that Bill after Bill had been introduced by the Government, and treated afterwards as waste paper. The time would come when the practical sense of the people of England —regretting, indeed, their ancient constitution, and still clinging to the memory of the representative institutions under which this country had so long flourished—would come to the conclusion that the time was past for such a constitution to exist; that it was no longer able to carry out its own purposes, but was so decayed that it could no longer work at all. And when the people should have arrived at that opinion, then, in some manner and in some way—he would not venture to anticipate how—a blow would inevitably be struck even at the principle of representative institutions themselves, because they had been so perverted from their original purposes, and so corrupted in practice by the very means by which they were endeavouring to improve them in theory. He should hold the noble Lord responsible for what he conceived would occur should the constitution of this country be shaken. In that event he believed it to be possible, in the course of a few years, that the same form of government might obtain in England, as they now unfortunately saw obtain by a somewhat similar process in a neighbouring country. With respect to the present Motion of the noble Lord, it was not his (Sir J. Walsh's) intention to offer any opposition to it. He looked, he confessed, with the greatest regret at this fresh attempt to weaken the constitution of the House of Commons; at the same time he should give to the details of the noble Lord's measure the greatest attention.

Mr. H. BERKELEY said, he considered that the Bill proposed by the noble Lord would be regarded as some improvement upon the old Reform Act; and he believed that the public would think that there was something more in it than that infinitesimal dose of reform which had been promised to them in a well-known publication. He wished that when the noble Lord had turned his attention to the extension of the franchise, he would have considered and taken that method which offered the best and surest mode of extending it, which was by giving to the people protection at the polling booths. That was a point which ought to have been introduced into the Bill, and he felt certain that it would be a great disappointment when it was found that it had been omitted. A strong feeling existed on the subject of "protection to voters." If the noble Lord had given protection to every man having the right to vote, he would thereby have extended the register and increased the poll-book, both of them curtailed by intimidation—if he had taken care that the voter should be allowed the means of protecting himself, by secrecy, in giving his vote, he would have taken a step, one of the most constitutional he could have taken, and one which would have been most satisfactory to the electors at large. He begged to state that he should propose, in the course of the discussion upon the measure, to make that improvement in it, and endeavour to induce the House to give to the people of England that which they so eminently deserved—protection by ballot in the exercise of that franchise which was their undisputed right.

Mr. P. H. HOWARD begged to differ from the hon. Baronet as to the attention and temper with which the propositions of the noble Lord had been received. He contended that the propositions which had been submitted to the House had been received with earnest attention and manful approbation. The proposition which went to reduce the franchise to *5l.* was one which would be well received, and the class who by that provision would be admitted into the temple of the constitution, were as warmly attached to kingly government and monarchical institutions as those who ranked higher in conventional esteem. Besides this, since 1831 there had not only been great educational improvement among the people, but great advances of science and machinery, and the discovery of new sources of wealth. These new sources of wealth had, as a matter of necessity, increased the number of the taxpaying classes; and many professional persons, who from various motives deferred purchasing personal property till late in life, would, under the 40*s*. clause, be entitled to the franchise. Another provision of the Bill was in strict accordance with the ancient constitution, namely, that which gave the vote to all residents in counties who were qualified as jurors. Nothing could be worse than that men who held in their hand the lives and properties of their fellow-subjects should be excluded from the minor privilege of voting for Members of Parliament. It had been said by the hon. Baronet that the Reform Bill of 1831 was a final measure; and he confessed that it might not be wise frequently to alter the Parliamentary franchise. But while he said that, he said also that it was quite impossible to remain stationary in a moving world. The enfranchisement of copyholders of a lower amount would also, he believed, tend to render social order more secure in this country. He trusted that though this measure might not be received with clamorous approval by the people, it would meet with that earnest and steady support which it merited, and that the large body of the people who had shown, by their orderly, intelligent, and steady conduct, how well they were fitted to exercise the franchise, would by its passing be enabled to pass within the portals of the constitution.

Sir R. H. INGLIS said, that whether the present Motion were considered one entitled to no particular degree of interest, or whether it were a question the most important which had ever been brought forward, this at least was clear, that three of the four Gentlemen who had risen since the noble Lord had introduced the subject, had taken different grounds of objection to it; yet had, as it appeared to him from the silence of the House, not represented more than their own individual opinions. The contrast which his hon. Friend (Sir J. Walsh) had called to their recollections, had operated very forcibly on his own mind. The House of Commons of February, 1852, was certainly very different from the House of Commons of March, 1831, when the subject of Parliamentary Reform was first brought forward by the noble Lord as the organ of the Government of that day. At that time, certainly, not only every individual in the House itself, but in every room and place around the House, would have been found listening and watching with the most intense anxiety to learn the nature of the great measure then under discussion; but what was the case to-night? Looking at the benches around him, it was true, indeed, that when the noble Lord began to introduce the question, those benches were tolerably filled with attentive listeners; but as soon as the subject had been introduced, the House relaxed its attention into indifference, and the number of Members was proportionately reduced. But, independently of the main question, he, as an individual Member, could not avoid observing that the noble Lord had, in the course of his speech, introduced two or three topics which were not necessarily connected with the question of reform, but which were, nevertheless, vitally important and interesting to the country. Upon those points he could not refrain from asking the indulgence of the House while he addressed to them a few words. He might, in the first place, observe that the noble Lord had contrived to introduce two or three subjects into his present measure which had hitherto formed subjects of separate legislation; but his (Sir R. H. Inglis') first object was to advert to only one of those subjects—namely, the one which involved the great religious question which was more particularly unconnected with Parliamentary reform—namely, the admission of the Jews to seats in the House of Commons. The noble Lord proposed the removal of certain words from the oath to be taken by Members of that House, which words had hitherto excluded (he believed intentionally and advisedly, but at all events practically) a large body of their fellow-subjects, as some hon. Members held them to be, though he called them strangers; but call them what they would, those words had hitherto excluded them on the highest sanction which could bind any body of men, as being distinctly alien from, hostile to, and inconsistent with their own body as a Christian Legislature. The noble Lord now proposed to introduce into that House, by a side-wind—which he had deprecated on a former occasion—men who professed an alien creed. Reverting to the measure of 1831, he might observe that his noble Friend, when he spoke of it, stated that it was not a measure of revolution. The Tory party, on the other hand, contended that it was, in all its substantial parts, of a directly revolutionary character. Five years had scarcely elapsed when a noble Colleague of the noble Lord declared in so many words, that that measure of reform was a measure of revolution —but that it was a revolution the object of which was justified by its results, inasmuch as it had terminated in unexampled prosperity to the country. Further reform was asked for; but what was the reply of the noble Lord? That the country could not afford a revolution every year. But now, in 1852, his noble Friend had proposed another great change; and, from the manner in which the affairs of the country were now conducted, had he given the House any reason to believe that another experiment might not be made in 1872, or more probably within a still shorter period, to unsettle everything which he now proposed to establish? It was very true they did not enjoy under the present Reform Bill a constitution having that prescriptive character which they possessed from the constitution under which England, before 1831, had been living for centuries. That prescription was gone; and in its stead they had now to deal with a paper charter. It was a constitution, *octroyée* in 1832 —and the one had destroyed the other. It was a written, in opposition to an unwritten and a time-honoured, constitution; therefore there was no security, as the hon. Member for Radnorshire had said, why the noble Lord himself should not be the first to introduce a new measure of reform next year or the year after. All these things were open to the consideration of hon. Members, and were to be regarded by them with apprehension or with hope according to their own judgments. He, for one, did not now believe that universal suffrage was an object so much to be dreaded by the possessors of property and power in this country, as that formidable weapon of democracy which it had hitherto been supposed. The largest and most effective experiment in respect to it had been tried almost under their own eyes in a neighbouring country; and they had seen that universal suffrage had been the most efficient instrument for granting an amount of power greater than modern Europe had ever seen concentrated in the hands of one man. He did not, therefore, now dread the introduction of universal suffrage into this country as the means of transferring all power to the masses, as he might in former times have done. But still there was no security whatever against his noble Friend at the head of the Government, hereafter bringing forward other measures of a still more democratic nature than the present. He therefore protested against those powerful combinations of men who exercised more influence over the noble Lord and his colleagues than they constitutionally deserved, or than was consistent with the safety and security of those institutions which it was the duty of the noble Lord to preserve pure and unimpaired. There was another point which he was almost ashamed to mention after adverting to such a topic as that he had first referred to, but which the noble Lord had forced on their consideration; and to which, therefore, he must turn for a moment. He had already said that the noble Lord was prepared to admit those who differed in religion from the bulk of the nation, who were almost aliens in blood, but who were at any rate unfitted by their own principles for the duty, to administer the most important interest in this country—its Christianity. This he (Sir R. Inglis) most decidedly objected to, and should oppose by every means in his power. After such a subject as that—one so important as well as so sacred—he was almost ashamed to descend to so comparatively low a subject as the property qualification proposed to be destroyed by his noble Friend. But this was one of the democratic objects which the noble Lord was so anxious to encourage; for his object was to separate from property the duty of protecting property; it was to throw open to any adventurer the suffrages of the almost pauper constituencies which the present measure was intended to create; and to such a condition he would not willingly come. There would be so many opportunities of discusing the minor points in detail, he would not ask to occupy the time of the House upon them now; but he was unwilling that his noble Friend should be permitted to introduce such a measure without raising one voice, at all events, to oppose the introduction of a subject into that measure which was quite unconnected with it, which was offensive generally to the people of this country, and which he trusted the House would not allow to be contained in the Bill. He knew that, besides those who wished to expunge the Christian character from the oaths taken at this table, there were those also who wished to abolish all oaths. If any civilised country could be found to have existed without the sanction of an oath, oaths might be an open question; but unless they could produce some instance in the history of modern Europe, or of any other part of the civilised globe, ancient or modern, in which oaths, acacknowledging a Power higher than man, were not resorted to in the transaction of public affairs, he hoped that they would steadfastly retain that solemn rite; but, above all, he hoped that they would not consent to omit from their oath those words which constituted that assembly a Christian assembly, and a Christian representative of a Christian people.

Mr. BRIGHT said, he had been endeavouring to weigh the various portions of the propositions which the noble Lord had submitted to the House, and he was bound in fairness to admit that while there were some portions of it of which he entirely disapproved, and with respect to which the noble Lord had fallen very far short of that which it was his duty to propose, and which the country expected from him, still he was bound to say there were some portions of the measure which would give some degree of satisfaction to large classes outside that House. It was perhaps difficult to say so soon after the measure was laid before them how much good it would do. He spoke of good, of course, not in the direction of the hon. Baronet the Member for Radnorshire (Sir J. Walsh), but in the direction of those opinions which he (Mr. Bright) was known there and elsewhere to entertain in respect to the extension of the franchise. However, as the noble Lord's speech would be all over the country to-morrow, he thought it was quite fair that they who differed considerably from his views should have the opportunity of making some observations on that speech, in order that when the public read, as every man in England who could read would to-morrow read the speech of the noble Lord, they might, if they thought it worth while, read the speeches of those who differed from him. Now, the great proposal — democratic proposal — of the noble Lord was the 5*l.* franchise for boroughs; and he agreed with the noble Lord entirely, that that class to which this franchise was to be given, was perfectly competent: he did not mean every man, because every man in the present franchise was not competent, but, taking them as a whole—and he spoke of that portion of the kingdom in which this class was most numerous, the manufacturing districts—on the whole, he said, they might with perfect propriety be entrusted with the elective franchise. He saw them perform their duties in their parishes with great and undeniable propriety. He saw also in their Poor Law Unions that what class of men soever they might choose to elect as Guardians of the poor, the poor-rates were properly and honestly expended. He saw that wherever they voted to elect Municipal Corporations for towns and cities, that these Municipal Corporations showed no destructive propensities, but were about as respectable, he believed, as would be elected by any other class of voters in this country; and, therefore, he took it for granted that as all these men had precisely the same object in government as every Member of that House, he said they had as strong an interest as any man in that House, be his property what it might, in the conservation of order; and, therefore, he believed, that though many men might be returned from these boroughs who might not be conceived to be the wisest men in that House, as many men returned for counties were known not to be Solons, yet he took it that the representation of these boroughs would be as good as it had been at any time before. But he thought the noble Lord had made one serious mistake with regard to boroughs. He spoke specially with regard to boroughs in the north of England, with which he was chiefly connected. Now, it had been customary for them to charge hon. Gentlemen opposite with being sent to that House by votes from tenants who were often coerced to vote. He had never pretended that landed proprietors were more disposed to coerce their tenants than great employers of labour were in other kinds of industry. Now, in the manufacturing towns of Yorkshire and Lancashire there were many firms who employed from 500 varying up to 5,000 persons. Among these there would be, of course, a considerable proportion of men, and of these men a large proportion would be electors under the Bill of the noble Lord. But besides these men there were a great number of women, some of them married, some young women unmarried, and boys and girls employed in these manufactories; but the wages of all these persons were taken to somebody's home, and the head of that home would in all probability have a vote under the Bill of the noble Lord. Now, as a large employer of labour himself, he must say he regretted extremely that the noble Lord had not taken entirely out of his hands, and the hands of all those who were in the same position that he was, the power to exercise that influence which the employer must have over the employed. He regretted that the noble Lord had left them in a position in which the temptation was strong to exercise a most coercive influence, and that in a manner which was degrading to those who were under them in social relations, and which would be hurtful both to the House and to the country. He was of opinion that a man who was forced to vote, was about as much degraded as a man who was bribed to vote: he lost his self-respect, and immediately he had given a vote contrary to his convictions, he turned round and defended the vote he had given, asserting opinions he did not believe in, and there consequently came a growing depravity over his feelings. He (Mr. Bright), therefore, said the noble Lord was bound to give the ballot if there was to be any considerable extension of the franchise. He would not go into the question of the ballot in any long argument. His mind was so entirely made upon it, that not only on the political ground, but on the moral consideration, he had some hope that when the hon. Member for Bristol (Mr. H. Berkeley) brought that measure forward, it would be discussed with more attention than it had met with of late years, and that they would be able to show the House, not that they should reject the explanation of the noble Lord, but that it was due to the employers of labour equally with the employed that a clause enacting the ballot should be added to the proposition of the noble Lord. The next point that he wished to observe upon was the lowering of the county franchise from 50*l.* to 20*l.* He thought the noble Lord himself would admit that there was no argument in favour of a 20*l.* franchise which did not apply with equal force to a franchise of 10*l.* Now, the 10*l.* qualification for counties had been carried, he thought, twice in that House upon the Motion of his hon. Friend the Member for East Surrey (Mr. L. King). He thought these were reasons why the noble Lord should have been favourable to that proposition. He asked hon. Gentlemen opposite what reason could be given for giving a vote to a 5*l.* occupier, an inhabitant of a street in Manchester or in Marylebone, and refusing a vote to a man who occupied a house of the same value in the country? The thing was too absurd to admit of argument. In the country they might have a house and garden and all conveniences for 5*l.* a year; and when a man retired from business and went to live in the country in a house of this class he was to be debarred from voting. Then the noble Lord proposed that every man who paid 40*s.* a year in direct taxes should have a vote. No one would certainly object to that. But he hoped the noble Lord would not think this a great measure. The direct taxes were not paid by a large number who were not already included. He did not object to it in the least, but he thought it might have been lower, as it would not have a very perceptible effect. He now came to the question of the small boroughs. The noble Lord had refused to disfranchise any borough. He did not speak, of course, of Sudbury or St. Albans, which on many grounds had well merited their fate. But in many boroughs throughout the country the noble Lord proposed to lessen family influence in them by adding neighbouring towns to them. Well, it was impossible to deny that if the franchise were lowered from 10*l.* to 5*l.*, and if to small boroughs neighbouring towns were added, family influence to some extent would be decreased. He thought it extremely likely that that proposition of the noble Lord would be some gain. But the real question was somewhat different to this. The noble Lord said he wished to maintain what he called the balance of parties— [Lord JOHN RUSSELL: No!] Well, the balance of power, the balance of interest. But if the noble Lord accepted the principle of representation at all, he ought to accept it in this shape—that the House of Commons should not merely have the hon. Baronet (Sir J. Walsh) to speak at one extreme, and he (Mr. Bright) himself, perhaps, be considered to speak at another, but he ought to have that House of Commons so constituted that the proportion of opinions throughout the country should assimilate to the proportion of opinion in that House. The noble Lord knew full well that the question which had been so much agitated throughout the country, the question of free trade, was settled in the country beyond all dispute long ago. If he were to say nine out of ten, it would be true to say it, but he would say three out of four of all the people of this country had long ago disposed of that question; but still hon. Gentlemen opposite could muster votes very nearly equal to the votes on that side of the House. Why, that proved to demonstration that the free-trade opinion existing in the country had not an adequate number of representatives in that House; and that the opposite opinion, by the arrangements of their representative system, had far more representatives there than it could have if the representation were fairly proportioned throughout all the districts of the country. Well, he presumed the noble Lord proposed to maintain that class, that balance of interest. But it was not a balance of interest at all. It was a dead lock in the House of Commons which made the Government unable to move; and if the noble Lord went out of office today, and hon. Gentlemen opposite came in to-morrow, they would be in precisely the same circumstances; and so long as the progressive opinion in the country was in a far greater proportion than in the House of Commons, so long would the Government be in the position it then was—namely, that they would wish to do that which the House of Commons would not allow them to do, and which the people insisted on having done. The weakness of the Government would continue, and they would soon find the noble Lord in his place again, and hon. Gentlemen opposite would be sent back again to where they were at present. Now, there was one mode in which he did expect that the noble Lord would explain that he was going to make some progress, and that was with regard to those small boroughs which have two representatives. The noble Lord did not explain when he said he should not disfranchise these boroughs, whether they were to retain one Member or two. He hoped it was determined that they should only have one. Take the cases of Harwich and Thetford. These were two boroughs in which the noble Lord might possibly somewhere or other, by taking in neighbouring villages, raise a constituency of 300 or 400 to 1,000; but he asked the noble Lord, was it consistent even with the opinions he had expressed to-night, much less with the opinions he expressed when introducing his first Reform Bill, to maintain that Harwich—notorious Harwich—and Thetford—notorious Thetford—should each have two Members, while each of the boroughs of the metropolis, one of them having 25,000 electors, should have only two? Now, he put it to hon. Members on both sides of the House whether an arrangement like that could be permanent? Would the hon. Baronet opposite (Sir J. Walsh) say that that could be permanent? Of course not. In the very next Session of Parliament the question of the transference of some of the Members of some of the small boroughs to larger constituencies, or to new constituencies, would be mooted in that House, and with a force of argument which he defied the noble Lord, or any one else who could be Minister, to meet with satisfaction to his own mind. And now, with regard to the 20*l.* franchise, and the ballot. If he sat on the other side of the House, and held the opinions which the hon. Baronet (Sir J. Walsh) held—if he felt that there was something like heresy in introducing men of the democratic element into that House—yet, if he were entrusted by the Queen, holding these opinions, to make a proposition on this question, he would at least take away from his Bill a glaring defect like this. If he had not given a 5*l.* franchise, but had given something less, he would at least have taken away from those who would hereafter advocate further changes the means of pointing to these anomalies. The noble Lord had not told them all he intended to do with regard to these small boroughs. He did not ask him now—he merely asked him between the present time and going into Committee—whether it would not be his bounden duty, with regard to these small boroughs, to withdraw one Member where they had two, and to give the Member thus withdrawn to larger constituencies, or to large towns not now represented. The noble Lord had said nothing on the question of the Septennial Act, and he (Mr. Bright) should scarcely say more than a single sentence upon it. He believed it would be better for Members, if they were more responsible to their constituents at the beginning of a Parliament. He found them suffering under an intense feeling of responsibility just before a dissolution. He should like that the feeling of responsibility should be spread over the whole period of Parliamant; he believed it would add very much to the conscientiousness with which Members would perform their duty to that House. It would render it difficult for Government to call a party meeting in Downing-street, and to frighten them with a dissolution—a course pursued by Governments from both sides, greatly to the injury of the House. The noble Lord had touched upon one question, which the hon. Baronet the Member for the

University of Oxford (Sir R. H. Inglis), had taken great exception to—and that was the subject of the Oaths. Now, it might be allowed that he could speak on this question, probably with a dispassionateness which hardly any other Member of that House could attain to; for he was not asked to take any oath at that table, and the declaration that he made was more simple than any oath. If they were to have an oath, it ought to be as simple as possible; and one which bound, if an oath did bind, to fidelity to the Constitution and to the Sovereign. But he would advise the noble Lord, and he strongly suspected that the noble Lord would adopt that advice if the House would agree to it, that they should have no oath at all. When the French revolution of 1848 took place, the oaths taken by the Members of the Assembly were abolished. It appeared they had come to the conclusion, on looking back to sixty years of French history, that oaths were of very little use; and he thought that now they had found out that oaths were even of less use than they had supposed, for about the only oath that was taken, appeared to have been disregarded. Nobody supposed that the hon. Baronet (Sir R. H. Inglis), or any other hon. Gentleman, would get up plots or conspiracies, as used to be the fashion 200 years ago. Then, indeed, the oath might have had some effect in preventing conscientious men from entering into such conspiracies; but nobody would now-a-days ever dream of doing so, except perhaps the times required some great change in the Constitution or Government of the country; and in such cases the history, both of this and of every other country, showed that the oath was not worth the paper on which it was written. For what did they come to that House? They came thither for no other purpose than to promote their country's good. It was perhaps impossible that any two Gentlemen could differ more than did he and the hon. Baronet the Member for the University of Oxford; but he did not believe that there was any Gentleman more sincere or more earnest in his good wishes for the country than that hon. Baronet. On the other hand, he did not think the hon. Baronet would object to say the same of him (Mr. Bright). Hon. Gentlemen might be very much mistaken in their views, but still he was satisfied that they all came to the table honestly anxious that that only should be done which should be for the true interests and security of the country, for the just authority of both Houses of Parliament, and for the security of the rights and liberties of the people. Well, then, all that would be necessary when they came to the table, would be to make a simple declaration (if, indeed, a declaration was necessary at all) embodying what the noble Lord had proposed should in future be the oath. Let them teach the world that the Gentlemen who assembled in that House (and some of the first Gentlemen in England did assemble there) considered that their word and simple declaration was as sacred for all purposes as the most solemn oath that could be proposed. For himself, he was already only required to make a declaration, and therefore he did not ask for any extension of liberty on this point; but he did recommend to the noble Lord that a declaration by every Member should in future be substituted for the oath. With regard to the general question, he must regret that the noble Lord had not done more than he had. The noble Lord had left open questions which he might as well have settled—questions that next Session, and in Sessions after that, would again and again be mooted; and the noble Lord, or his successor in power, would be compelled to grant concessions which might just as well have been granted now. But however that might be, an extension of political rights would be given by the Bill to some parts of the country and to some classes, which he (Mr. Bright) believed in his conscience, every man who loved his country would be anxious to support. He felt, therefore, greatly obliged to the noble Lord that he had proposed voluntarily, and when he was under no compulsion, a plan which, though it might not be at all that he wished, would, he hoped, nevertheless lead to one that should be better and more satisfactory than it was at present.

Mr. H. BAILLIE said, that although it was not for him to give any opinion as to whether the measure of the noble Lord was one which would be satisfactory to the country, he was not surprised at the speech made by the hon. Member for Manchester (Mr. Bright); and, in fact, he should be surprised if those who sat on the opposite side of the House, and who regarded reform as an article of faith—he should be surprised if those hon. Gentlemen did not feel some disappointment that a measure so imperfect as the present should have been submitted to that House as a satisfactory solution of the great and difficult question of Parliamentary reform, and that, too, by so able and experienced a reformer as the noble Lord. He (Mr. Baillie) did not believe a Reform Bill, in the extended sense of the term, was either necessary or required at the present moment; but the question had been decided by the Government, and the First Minister of the Crown, coming here, of course, with the sanction of Her Majesty, did in the last Session declare that it was desirable to increase the power of the democracy. Now, when the First Minister took upon himself to make such a declaration—a declaration calculated to rouse the feelings and raise the hopes and expectations of great masses of the people—he ought, at least, to have been prepared to bring forward a measure calculated to give satisfaction to those who he admitted were justly dissatisfied with the existing state of things. Was the measure which the noble Lord had submitted to the House one calculated to satisfy the people? He thought not, and would, if the House would permit him, point out some of those defects which, he believed, would prevent this from becoming a permanent measure, or one which would secure the confidence of sincere reformers. Taking it for granted, for the sake of argument, that the statement of the noble Lord was correct, and that it was desirable to increase the power of the democracy, if that were the opinion of the noble Lord, it was not a little remarkable that the most obvious and most necessary measure in order to secure such an object had been altogether omitted, nay altogether ignored, in this Bill—he alluded to a measure for shortening the duration of Parliaments. It was now generally admitted that if there ever was a blow inflicted upon the power of the democracy, it was that essentially Whig measure for extending the duration of Parliaments to seven years. By that measure representatives became, to a great extent, free from the control of their constituents; the prospect of the resentment of their constituents became too remote to exercise much influence over them; and this daily experience proved, that hon. Members frequently pursued a very different course at the commencement of a new Parliament, from that which they were compelled to adopt at the conclusion of an old one. He might, if it were necessary, illustrate this by numerous examples, but he should content himself with instancing the course now pursued by the noble Lord himself. The noble Lord was a Liberal, and represented a large constituency. Now the House would remember that, for the first four years of the present Parliament, his hon. Friend the Member for Montrose (Mr. Hume) had annually brought on, with great ability and with great moderation, the question of reform; and upon every occasion had been firmly, he might say obstinately, opposed by the Government. The noble Lord would enter into no compromise. He was never sparing in his sarcasms upon my hon. Friend and the party of which he was the head; and the noble Lord gave no intimation that a Reform Bill was to be brought in by the Government. Such was the position of the question up to the last sitting of Parliament. That, however, which the eloquence of the hon. Member for Montrose was unable to effect, the near approach of a dissolution had suddenly accomplished; and at the conclusion of the last Session of Parliament the House, one day, was suprised to learn, not only that the noble Lord, but that every Member of his Cabinet, had suddenly become converted upon the question. He (Mr. Baillie) could not give a better illustration of the operation of long Parliaments than by citing this example—that the very Bill which the House was now discussing, had been delayed by the Septennial Act for a period of four years. He, however, believed that the noble Lord would be much mistaken if he thought that this or any measure would give satisfaction to the great body of reformers, which did not provide for the shortening of the duration of Parliaments. The next question to which he would have wished to draw the attention of the noble Lord, if he had been in his place, was one which the noble Lord did not pretend to ignore, but which he admitted, and to which he professed to apply a remedy which would, in fact, be a most imperfect one. The evil to which he alluded was the existence of a number of small nomination boroughs, which were admitted to be a disgrace to our present representative system. It would be remembered that the Reform Act of 1832 professed to extinguish this rotten borough system; and it would also be within the knowledge of the House that that Act had altogether failed to accomplish the object. Thus at the present moment we had constantly before our eyes the spectacle of Members sent to this House who were not elected by an independent constituency, but were virtually nominated by Peers in the other House of Parliament. There was the borough of Marlborough, for instance, which was in the hands of the Marquess of Aylesbury; Malton, the patronage of which was vested in Earl Fitzwilliam; Richmond, where the Earl of Zetland was paramount; at Ripon Earl de Grey exercised great influence; at Tavistock, the Duke of Bedford; and at Calne, the Marquess of Lansdowne. There were many others which he might mention; but he had not Mr. Dod's work, the *Parliamentary Companion*, before him, and he did not profess to have all these boroughs at his fingers' ends. Now, there could be no Reform Bill worthy of the name which did not attempt to deal with such an abuse as this. The noble Lord had attempted to deal with it, but, as he (Mr. Baillie) contended, in a very imperfect way. By joining two or three of these small boroughs together, you might transfer the representation into the hands of two or three persons; but it would probably then be something like what used to be the practice in Scotland, where the patrons of two adjacent boroughs united and agreed to keep the representation in their own hands, and have the nomination alternately. Some such practice as this would probably be established; and he believed there was no mode of fairly dealing with the question but by extinguishing those small boroughs altogether. But then another difficulty arose. To whom were their privileges to be transferred? That was, doubtless, a question of importance. It was a question in which the people of Scotland and of Ireland were very deeply interested. The people of Scotland and Ireland were most unjustly treated at the time of the last Reform Bill. No attempt was then made to place the representation either of Scotland or of Ireland upon anything like an equality with the representation enjoyed by the people of England. In Scotland, with a population of nearly 3,000,000, they had only, he believed, fifty-four representatives. In Ireland, with a population of about 6,500,000, there were 105 representatives; while in England, with a population not much more than twice that amount, there were five times the number of representatives. In England every county had two representatives, some had three, some four, and the largest six. In Scotland the largest county had but one, and there were some which had none at all. The people of Scotland were perfectly well able to appreciate the advantages they had long enjoyed under the British constitution as it already existed. They did not call upon the Government to make this change. They had not complained of this inequality, because they knew the danger of attempting to patch up or meddle with an ancient edifice, lest they should pull it down about their ears. They thought it better

> "——— To bear those ills we have
> Than fly to others that we know not of."

When, however, the Prime Minister of this country came forward, with the full sanction and authority of the Crown, and declared that the power of the democracy must be augmented, then the noble Lord took upon himself all the responsibility of making changes in the Constitution. Under these circumstances the people of Scotland would be wanting in proper spirit, would be wanting in common sense, if they did not claim their just rights—claim to be put on an equal footing with the people of England—claim to have extended to them that just influence in Parliament which the wealth of their country, the number of their population, and the education and intelligence of the people, fully entitled them to demand. He trusted the representatives of Scotland would be unanimous in their course on this Bill. They had on many previous occasions laid aside all party differences, and united together for the purpose of resisting legislation injurious to their country; and by this union few though their numbers were, they had sometimes succeeded in arresting the progress of that legislation. He trusted that on the present occasion they would be equally unanimous in asserting the just rights of their countrymen; and he appealed to the representatives of Ireland, who also had a grievance, and who also had a right to equal representation with the people of England. He would ask them to lay aside all party differences in defence of their common rights; and if they did so, and acted together with the Scotch Members, he did not despair of their making their united voices heard. He would call also upon the English representatives to consider the peculiar position in which they had been placed by the conduct of the Minister. He would ask them to consider the position in which they would be placed hereafter if the Prime Minister were always to have a Reform Bill ready whenever it might suit the object of his Government to create a little popular clamour on behalf of a weak and failing Administration. What would their position be if the question of a new Reform Bill were made dependent upon whether a Minister was able or not to maintain a majority in this House? If public affairs were to be conducted in this manner, he asked whether it would not be preferable to take the noble Lord at his word, and have a new Reform Bill—not such a one as this, which would only whet the appetite of the country for further changes, and would only excite fresh agitation in the country, but a real and substantial measure, which would give a more equal and better distribution of political power to every portion of the United Kingdom. Depend upon it, "to this complexion we must come at last;" if this progressive system of reform was to be carried on, upon the heads of those who, and in order to maintain themselves in office, had not hesitated to exercise their official influence to promote and renew this agitation, must rest the responsibility of the consequences which may ensue.

MR. ROCHE begged to congratulate the House and the country upon the liberal and enlightened speech which they had just heard from the hon. Member for Inverness-shire. Nobody could doubt the march of intellect and the progress of opinion when they heard such liberal sentiments coming from that portion of the House which used to be called the Tory camp, and he confessed his curiosity was greatly excited to see the new Reform Bill to be brought in by those hon. Members. After the speech of the hon. Member who had just sat down, going far beyond the Bill of the noble Lord at the head of the Government, and after the speech of the hon. Member for Manchester (Mr. Bright), giving a qualified approval to the noble Lord's measure, there could be no mistake about getting a Reform Bill. A Reform Bill they must have, because it was declared on both sides of the House that reform was necessary and needed. But he wished to know distinctly, was the Bill, or was it not, to be extended in its integrity to Ireland? He quite agreed with the hon. Member who spoke last, that by the Reform Bill of 1832 great injustice was done to Scotland, and still greater injustice to Ireland. Nothing could be more monstrous or more unjust than the apportionment of representation to Ireland. If population were taken alone as the basis, instead of 105, the Irish representatives ought to number 207. If population and property combined were to be the basis, they ought to number 150. The noble Lord proposed to extend the constituencies of all boroughs the electors of which did not amount to 500, by joining to them neighbouring towns. Would the noble Lord apply that principle in its integrity to Ireland? The boroughs of Ireland amounted altogether to twenty-four, out of which taking Belfast, as being to all intents and purposes a city, left only twenty-three, and out of that twenty-three only one had a constituency exceeding 500. But that was not presenting the case in the strongest aspect. Of those twenty-two boroughs, the constituencies of which were less than 500, the returns showed that sixteen or seventeen had constituencies under 200; and his hon. Friend (Mr. C. Anstey) reminded him that those returns could not be relied on, for Youghal, which the hon. Member represented, appeared as having 261 electors, when, in fact, the number of electors did not amount to 200. Upon these grounds he called upon the noble Lord to extend to Ireland the principle in its integrity which he was prepared to apply to England. When the repeal agitation was rife, and there was a great desire on the part of that country to separate from this country, they were told to attend in Parliament and state their grievances; but when the Irish Members did attend, they were out-numbered, care having been taken in the Bill of 1832 to pack the House against them; and hence it was utterly useless to attend. The same existed now, and he submitted it was a matter for the consideration of the noble Lord, whether, when altering the boroughs, he might not—even if he refused to give an additional number of Members—throw the difference into the Irish counties, between which and the Irish boroughs there existed no difference of feelings or interests.

MR. NEWDEGATE wished to know for what day the second reading of the Bill would stand. The Bill was of great importance, and he therefore trusted the noble Lord would afford the House and the country full time for the consideration of its details. Before the noble Lord answered his question, he begged to express his regret that the noble Lord seemed determined not to have the sanction of Christianity for his measure; and his hearty concurrence in the able protest against the proposed alteration of the Oaths of Members of Parliament so ably made by the hon. Baronet the Member for the University of Oxford. He was sorry to find the noble Lord had added an alien element to the Bill—an element that was not necessary to the principle, and certainly not to the progress, of the measure, but was apparently only tacked on to the fag-end, without having any real connexion with it. He would express no opinion at present on the first principle of the Bill, which proposed to extend the franchise by lowering the existing qualification for counties and boroughs. In his opinion, the expediency of extending the franchise and lowering the qualification, was a legitimate subject for consideration; but the noble Lord had imported a novel element in the Bill, which he could not approve of. He referred to the floating constituency to be created of persons having no necessarily fixed residence, or personal connection with any locality by the ties of property, and who were to be qualified to vote merely by the payment of a small amount of direct taxes. He could not understand why the Jew portion of the Bill had been introduced, unless for the purpose of conciliating a small section of the community, and to offend the House of Lords.

MR. TRELAWNY said, he hoped the hon. Member for Inverness-shire (Mr. Baillie) would retract the statement which he had made, that the borough of Tavistock, which he had the honour of representing, was under the nomination of the Duke of Bedford: the assertion he considered most unfair. He recollected, that the hon. Member for Buckinghamshire (Mr. Disraeli) asked, last Session, what right had hon. Gentlemen on that (the Ministerial) side of the House to say that hon. Members on the other side were against the extension of the suffrage? He believed that the object of the hon. Gentleman in putting that question was to reserve to his party the opportunity of outbidding the Government on the subject of Parliamentary Reform. The observations which had been made by the hon. Member for Inverness-shire (Mr. Baillie), he suspected, had for their object to catch Irish Members, by pointing out the injustice which had been done to Ireland. The hon. Member's object was to defeat the present measure, by combining against the Government two very incongruous elements. He, therefore, warned the liberal party against this attempt to create division in their camp. He implored them to accept the measure, such as it was; and before he sat down he must again express his hope that the hon. Member for Inverness-shire would apologise to him and the borough which he had the honour to represent for the remark he had made.

SIR JOSHUA WALMSLEY said, he must express the gratification with which he had listened to the speech of the hon. Member for Inverness-shire (Mr. Baillie). In his opinion the measure was not worthy of approbation. It would not be received with approval by the people out of doors; it was, in fact, a small measure, totally unworthy of the noble Lord and his colleagues. There were fifty or sixty boroughs returning two representatives having less than 500 voters. But was the noble Lord aware that there were 627 large towns in this country, that were assessed to the income tax to the amount of 15,300,000*l.*, that were totally unrepresented; and did he suppose that such places would be satisfied to remain unrepresented, except such representation as they might find through the county constituencies? The present measure did not recognise the rights of the taxpayers and the industrial classes, and therefore it neither would nor ought to give satisfaction to the country. The Bill was also defective in its omission of the ballot. At every public meeting he had ever attended, the ballot was always insisted upon as necessary to full and fair representation. As the Bill was only to be introduced now, he should reserve his further objection to a subsequent stage. If the Bill should pass, as he trusted it would, he should regard it as an instalment by which the progress of a larger measure of reform would be accelerated. With respect to the question of the ballot, he thought the ballot-box was necessary to protect not only tenants and shopkeepers, but also Roman Catholic voters against the intermeddling of their priests. Without entering into the question whether the ballot would be a preventive of bribery, he firmly believed that it would be a sufficient protection against coercion. He wished to direct the attention of the noble Lord to one part of the measure having reference to Ireland. He understood the noble Lord to propose the conglomeration of certain small boroughs, the constituencies of which were below a certain number. He approved of that part of the plan. The noble Lord also proposed to undo the compromise entered into with the House of Lords last Session, when the franchise in Irish boroughs was fixed at

8*l*., and to fix it for the future at 5*l*. He approved also of that part of the measure, but reserved to himself the right of voting in favour of any further extension, not stopping short of even household suffrage. The noble Lord did not propose meddling with the county constituencies of Ireland. He should like to ask the noble Lord if he was aware of the effect which would be produced in the county constituencies of Ireland by the withdrawal of the small towns from their constituencies? He feared that the effect would be to throw the representation of the counties into the hands of a few proprietors. He hoped the noble Lord would revise that portion of the Bill.

LORD JOHN RUSSELL, in reply to the hon. Member opposite (Mr. Newdegate), said he proposed to take the second reading of the Bill on Monday se'nnight.

MR. HERRIES wished to know when it would be read a first time.

LORD JOHN RUSSELL: On Wednesday or Thursday.

LORD JOHN MANNERS expressed a hope that the second reading would not be fixed for so early a day.

LORD JOHN RUSSELL then said he would take the second reading, instead of on Monday se'nnight, on the Friday in that week.

LORD HARRY VANE said, as the details of the Bill would naturally come under discussion at a future period, he would confine himself to the principle. The measure did not differ very widely in principle from that which had been announced some time ago, and was expected by all sides of the House. He differed from those who thought it an extremely shortcoming measure. He believed that in all parts of the country, with the exception, perhaps, of Lancashire and the west of Yorkshire, it would be received with extreme satisfaction. After the exposure of last Session with respect to what took place in the small boroughs, it would have been impossible to leave those boroughs in their present state. The mode of dealing with them proposed by the noble Lord certainly interfered as little with existing interests as any that could be named. The proposed reduction of the franchise was a very extensive measure, and went as far as was safe in that direction. It was difficult to say how far the proposed alteration in the county franchise would extend the suffrage, but there was no doubt it would give a considerable increase of voters, especially in the towns.

MR. CHISHOLM ANSTEY thought there was some confusion in the minds of hon. Members on that (the Government) side of the House. As far as he understood the noble Lord (Lord John Russell), it was not proposed to call upon those Members who were in favour of a larger extension of the suffrage to make their election between his (the noble Lord's) plan and their own. It was not a compromise proposed, but an instalment offered, and the noble Lord, at the conclusion of his speech, which he (Mr. Anstey) thought made a deep impression on those around him, pointed to the time when it would be in the power of the Minister to propose to Parliament the adoption of a much larger measure of reform, suited, as he anticipated, to the progress of national education. The noble Lord did not propose to the House this as a final measure, but as one which the circumstances of the country warranted him in submitting to the approbation of the Legislature. That being the view in which the noble Lord proposed the measure, it would be perfectly consistent if he should hereafter be induced to accede to the vain hope expressed in the remarkable speech of the hon. Member for Inverness-shire (Mr. Baillie), which, if it meant anything at all, referred to the large measure of reform once propounded by the hon. Member for Buckinghamshire (Mr. Disraeli). Nothing in the details of the Bill, and nothing promised by either the hon. Member for Inverness-shire, or the hon. Member for Buckinghamshire, would induce him (Mr. Anstey) to withhold his support in this Session to the present Bill, or in a future Session to a scheme of Parliamentary reform, grounded on triennial Parliaments and household suffrage. If the noble Lord succeeded—and succeed he trusted he would—in carrying the present measure, it would facilitate the progress of a larger measure at a future time, and a large step would be taken towards that protection of the voter which he had tardily and reluctantly come to consider indispensable, and without which any measure must be a mischief and a delusion. He was now satisfied that whether a tenant sought protection against his landlord, a shopkeeper against his customers, or a Roman Catholic against his intermeddling priest, the ballot was the only remedy which promised to be at all efficacious. Let him, however, submit to the attention of the Government one point with respect to the measure for Ireland. He approved of the plan for conglomerating different small boroughs, and for reducing the franchise to *5l.*; but the noble Lord did not propose to meddle with the county constituencies. Now, when the small towns were withdrawn from the counties and added to the boroughs, the county constituencies would be reduced one-half, and the representation would be thrown into the hands of a few landed proprietors. This was a measure of detail which would more properly be discussed afterwards; but he could not resist the present opportunity of expressing his own opinion in favour of the plan generally of the noble Lord, and of attempting to dissuade hon. Members on his side of the House from allowing their feelings of dissatisfaction to lead them to a coalition with other hon. Members against the Bill, which would not only be fatal to it, but to every other measure of reform for some time to come. With respect to that portion of the Bill which had reference to the oath taken by hon. Members, he heartily approved of it, and he hoped that the House of Lords, which had swallowed so many camels sent up to them from this House, would not strain at such a miserable gnat as the present measure for admitting their Jewish fellow-subjects. He was glad also that hon. Gentlemen opposite, mindful of the traditions of their party, were inclined to offer no opposition to the principle of a measure which would have commanded the assent of such men as Pulteney and Windham.

Sir JOHN TYRELL said, that the friends of reform seemed to find it very difficult to define the principle of the proposed Bill. Now, he ventured to suggest that if it were entitled "a Bill for the continuance of Her Majesty's present Ministers in office," it would not be a bad definition of its object at least. If one might judge by the declarations of those who called themselves the friends of reform, the measure was not likely to give general satisfaction. It was not approved of by the hon. Member for Bolton (Sir J. Walmsley), or by the hon. and learned Member for Youghal (Mr. Anstey). He must say that, with respect to the constituency in Essex in which Harwich was situated, and to which reference had been made, he believed that the Bill would be perfectly harmless. He believed that it would not give satisfaction to any great party in the country. He was old enough to remember the last Reform Bill, and that the hon. Member for Montrose (Mr. Hume) expected that great benefit would arise from it. They were promised men of great habits of business, who were to do a great deal of good, but that promise had not been realised. The noble Lord had brought forward a canvassing measure for the continuance of Her Majesty's Ministers in office, and to carry out this object the noble Lord had appealed to the Manchester school, by adopting their pet project of national education; and he had thrown out an anchor to windward, which might be of service to him afterwards. On every ground, he thought the measure most unsatisfactory.

Colonel SIBTHORP said, he must claim credit for having suggested the *50l.* clause which the Marquess of Chandos subsequently adopted and carried. He perceived that hon. Gentlemen who had spoken on the other side, regarded this measure not as a final one, but merely as an instalment. He had the honour of a seat in the House when the noble Lord brought forward what many of them thought was to be a final measure. The noble Lord now said that he never meant anything of the kind. The measure now brought forward by the noble Lord, appeared to him (Col. Sibthorp) to be neither more nor less than "any port in a storm;" and he thought that the noble Lord would be willing to sail to the dirtiest port that could give him refuge, if he could by doing so extend the period of his official existence. They had tried every species of trick, trash, and trumpery; and they might rely upon it that, sooner or later, they would meet with the reward that such trickery deserved. Though he (Col. Sibthorp) had, after the adoption of the first Reform Bill, lost his seat for the city he represented, yet he was restored, after a short time, to his former position, as Member for that most respectable constituency, whose confidence he had never lost from that hour. It was a satisfaction to him to feel that no measure that the noble Lord could bring forward could have any effect upon that position of mutual confidence which obtained between his constituency and himself; though he firmly believed that one of the main objects of this Bill was to enable the noble Lord to retain that seat, of which, after the manner he had acted in reference to the subject on which he had addressed his celebrated letter to the Bishop of Durham, he was but an unworthy occupant.

MR. W. O. STANLEY said, that as one of those who had, last year, refused to support the isolated propositions for reform which were brought forward or suggested, and who had preferred to wait for the measure which the noble Lord had promised to bring forward in the present Session, and which he had ventured to think would prove a satisfactory measure, he had listened with interest to the announcement of his plans which the noble Lord had that night made; and though the Bill to be brought forward did not go quite so far, perhaps, as he might have wished, yet he did think that when the country came to consider it, the people would not look upon it as that milk and water measure which it had been described to be by the hon. Member for Bolton (Sir J. Walmsley), but that they would rather consider it, on the whole, as a great extension of the franchise. He confessed, however, he had hoped that the noble Lord would have held out to them some prospect that the advantages he calculated upon from the measure he had announced, should have been effected by means of the ballot; and he much regretted to find that one Cabinet Minister (Mr. Fox Maule) had already recanted his opinions on a measure (the ballot) which he (Mr. Stanley) believed in his conscience to be necessary for the due exercise of the elective franchise.

MR. DISRAELI: Some doubt, I understand, prevails as to the time at which the noble Lord proposes to move the Second Reading of the Bill. I was, unfortunately, not in the House when the noble Lord referred to this subject, but I understand that the Bill is not ready to be laid upon the table. It is customary when a statement of importance, such as that which the noble Lord has this evening made, is addressed to the House, that the Bill on which it professes to be founded should be laid on the table at the same time; but I understand it is the intention of the noble Lord not to bring in the Bill until Wednesday next.

LORD JOHN RUSSELL: I will bring in the Bill on Wednesday, or, it may be, Thursday. I will then propose that it be read a second time on Friday fortnight.

MR. DISRAELI: I do not think that statement satisfactory. It is impossible that we can properly consider the question till the Bill is in our hands. The statement of the noble Lord is, no doubt, very interesting; but, seeing the diversity of opinion which exists as to the proposition of the Government, I think it absolutely necessary that we should have the Bill before us preliminary to fixing the second reading; and that the time allowed for consideration should date from the day on which the Bill is placed on the table. I do not think an interval of fourteen days sufficient. I collect from the statement of the noble Lord that sixty-seven boroughs will be largely affected by the measure, and that certain towns are to be connected with them; and I think it is but fair that the opinion of the population of these boroughs and towns should be ascertained on the subject. I cannot recollect the period that elapsed between the bringing in of the first Reform Bill and the second reading; but I believe it was much more considerable than that which the noble Lord now proposes to allow: and in the case of the repeal of the corn laws, I remember Sir Robert Peel proposed that not less than fourteen days should be given for the country to express an opinion on the proposal. It should be recollected that not we alone, but the country, should be allowed a fair opportunity of becoming acquainted with this important measure. Now, in point of detail, the measure for the repeal of the corn laws is not in any way to be compared with the proposition sketched by the noble Lord to-night. The noble Lord is not prepared with the Bill, and I trust, therefore, the noble Lord will consider what I have said, and give ample time for the country to become acquainted with its details before the second reading. The noble Lord proposes fourteen days. But under any circumstances, and even in the case of a Bill of comparatively an ordinary kind, such a delay as that would be granted. In the present case, I think the second reading should not take place for a month. I say again, this time is necessary, not for us, but for the country—for those who are to be affected by the Bill. The subject ought to be fully placed before the country, and ample time should be given for the fullest investigation of the details of the measure. I am certain no measure of this kind can give content, unless a preliminary investigation takes place into its provisions. Under any circumstances I should appeal for sufficient time. Under present circumstances I think I must press for it. The Bill is not to be placed on the table till Thursday. It is a most unusual thing for a Minister to come forward and to make a statement introductory to a Bill, and not to have the Bill ready. We might have assumed, not doubting that Government had made up their minds on the subject, that the delay in producing the Bill was to be attributed to some technical details requiring further consideration; but when we recollect the seventeen or twenty-seven Cabinet Councils that have recently taken place, the question assumes a very different aspect. It may be that when the Bill is before us, some of its provisions may not agree with the statement we have heard to-night, or it may be invested with a great many details which may be additions to the statement. That, in my opinion, is another reason for a much more considerable delay being afforded to the country than that which the noble Lord has proposed. As far as we are concerned, fourteen days might be sufficient; but I ask the House whether, considering the importance of the measure and its details, fourteen days would be sufficient for the country? If the noble Lord is not prepared to lay the Bill on the table till Thursday, I think a month from this day—which, after all, would not be much more than three Parliamentary weeks—should elapse before the second reading. With regard to the measure itself, I am not disposed at this period to enter into any discussion of it. I cannot, however, help congratulating Parliamentary reformers on the content with which they have accepted the repast provided for them; the voracity of their appetites seems to me satisfied with very short commons. Having on two occasions ventured to mention the conditions which a Minister should observe in bringing forward such a measure, I must say that I think the noble Lord has observed them on this occasion. My impression, in listening to the statement of the noble Lord, was, that there was nothing in it which had any tendency to disturb—I will not say the balance between the two great interests of the country, but I will rather say the adjustment made by the Reform Bill in 1832—I do not use the word balance, because I do not think any such balance exists. I think the adjustment of 1832 gave a preponderance in favour of the towns and of the commercial classes. To that adjustment we bow. As far as I could discover from the oral statement of the Minister to-night, I do not think there is anything in this new plan which has a serious tendency to disturb it; and therefore, on that ground, I felt considerably relieved. At the same time, I must tell the hon. Member for Manchester that I cannot at all agree with his dogma, that the present adjustment is unfair because a borough like Thetford returns two Members, and a city like Manchester returns no greater number. Throughout the whole of the arguments I have heard on this subject from Gentlemen opposite, both here and as reported in other places, a great fallacy is observable, and pervades all that they bring forward on the subject, as I shall be prepared to show at the right time and on the fitting occasion. The hon. Gentleman has referred to the cases of Thetford and Manchester, and it is only because he has done so that I enter upon the subject at all now. The argument, founded on the two tests of population and property, that because a borough like Thetford returns two Members, therefore Manchester should return the number of Members proportionate to its population and property, is an inference altogether erroneous. The inference, indeed, is the other way. It is that such places as Thetford should not return two Members, not that Manchester should return more. A paper has just been put into my hands, which has some reference to this part of the subject. It relates to North Cheshire. The total population of the county is 217,000. There are two considerable manufacturing towns, and only two in that great division—Macclesfield, with a population of 33,000, and the too-celebrated Stockport, with a population of upwards of 50,000; together 83,000, which, deducted from the whole population of the Northern Division of Cheshire, leaves 134,000. Now, these two towns return four Members, though the rural population, which amounts to 130,000, returns only two. Even admitting the tests laid down by the hon. Member to be just, which I do not do, it could never be inferred from it that Manchester should have eight, ten, or fourteen Members, the burden always of the hon. Gentleman's argument on this point—but only that Thetford should not have two Members. With regard to the second condition that there should be no attempt to establish the undue preponderance of any particular party, I must reserve my opinion till we have the details before us. When I see how the Government propose to deal with sixty or seventy boroughs—when I see what those boroughs are, and how they are to be managed under the new arrangement, then I shall better know how to form an opinion. But I shall assume now that in 1852, after the experience on these subjects which the House has acquired, any of those not very creditable manœuvres as to the settlement of the boundaries which distinguished the settlement of the first Reform Bill, will not very easily occur. I cannot believe that any party in this House, or out of it, will support a Minister in any arrangement of the new boroughs, the object of which is to support his own party in Parliament: I have that confidence in the increased knowledge both of the House of Commons and the country on these subjects, as to feel that those manœuvres cannot be repeated. Whether, then, I look at the Bill as I collect it from the noble Lord's statement, where it appears to me to have a character not opposed to the constitutional arrangement at present existing; or whether I assume, which I do, that all arrangements respecting the new constituencies will be conceived and executed in a fair spirit, I do not find on these two points grounds of opposition. But I reserve to myself the full right, when the subject is fairly before the House, to consider whether, under the circumstances of the case, it was a wise thing to undertake any measure upon the subject, and, if it were a wise thing, whether the present measure is one adequate and suited to the occasion. I confess, so far as I can form an opinion—but indeed I do not feel authorised, till the Bill is in my hand, to give any opinion; in fact it is not an opinion but an impression I give—the Bill does seem to me to be one of very questionable propriety. The noble Lord has on several occasions dilated on the wisdom of settling great questions in moments of comparative calm and tranquillity. I agree with him. I think it is wise in a statesman, if he has a subject of great importance to grapple with—a subject calculated to arouse the passions and affect the interests of great masses of the people—that he should attempt it in moments of tranquillity; but he is bound to deal with it so that the settlement may be—I will not say final, for that is not an epithet suitable for human legislation—but permanent. So far as I can now form an opinion I cannot say that I think the measure brought forward by the noble Lord in that sense a very statesmanlike measure. What is the great object of this 5*l.* franchise? That you should admit the working classes to the exercise of the suffrage. I have always been the advocate of an industrial suffrage; but I am not satisfied that this 5*l.* franchise will act in that way. I am not by any means clear that there was no measure better fitted for this purpose, no arrangement more apposite and more calculated to effect this end, than merely lowering the rating on which the suffrage depends. I have here a paper moved for a few years ago by the hon. Member for Marylebone (Sir B. Hall), which contains a list of the boroughs, with their population and constituencies, in England. I was anxious to find out the 67 boroughs with which the noble Lord means to deal in this Bill, and I commenced with the list before me. I began with Calne; went through what I supposed must be the 67 boroughs, assuming from the smallness of the constituencies that those I selected must be the 67 places which the noble Lord wishes to disturb. Then, having exhausted the 67 boroughs, I proceeded with the list, taking those that, from the number of their constituencies, I presumed must be exempted from the operation of the noble Lord's Bill—those above 500. The first borough I found on the exempted list was St. Albans. I only mention this to show that in settling this question we have a great many details to consider. The merit of a measure like the present depends very much on its details; and that is the reason why, when a Minister makes a proposition of this nature, and is not prepared to lay his Bill on the table—a very strange occurrence, certainly—I think the country have a right to expect that ample time will be given to consider those details. I have thus expressed what I really feel on the matter. I feel, so far as the two conditions I have referred to go, that I am not prepared on those grounds to interpose any obstruction to the Bill of the noble Lord. On the greater ground I shall reserve my opinion. I have much hesitation as to the propriety of introducing any measure at all on the present occasion. I have my doubts, too, whether the measure introduced is of that deep and comprehensive character required. I think the noble Lord ought to bear in mind that it is of the utmost importance that a question of this kind should be maturely considered before it is decided on; that all measures for the adjustment of the franchise should be of a permanent character. Indeed, the noble Lord himself ought to be the last to doubt the correctness of this principle. I do not think that it is to the credit of this House, or the country, or the noble Lord himself as a statesman, that every year he should be altering the franchise in Ireland. I think, too, if the noble Lord had only sufficiently considered that subject, he would not be in the singular position of having twelve months ago brought forward a Reform Bill for Ireland, which he now acknowledges is incompetent to carry out its objects. I hope that is not ominous of the result of the measure now brought forward. I think it would be just as well for hon. Gentlemen on both sides of the House, that this measure now introduced by the Minister of the Crown, and supported by them, should be one that would be likely to last. The hon. Gentlemen opposite have now had some experience in that matter. They received with enthusiasm the Bill of '32; they denounced every body who opposed it, and insisted that it would in every respect answer their purpose; they said nothing less would satisfy them, and that nothing more would they accept; yet they have been mistaken. I think they ought to consider—I will not say with suspicion, but without passion—the proposition of the Minister on this occasion. It should be remembered too, that we have many other important subjects to discuss during the present Session; and I warn you not to be diverted in your attention from other great reforms by Parliamentary reform. The great body of the nation will not be satisfied if the entire time of the Session is occupied with discussions on Parliamentary reform. The people out of doors wish the whole question of colonial government to be considered—the people out of doors wish to have the principles of taxation properly established—the people out of doors are anxious to know whether there will be any law reform or not. These are questions which will require the Minister's serious consideration in the management of their laborious details. They are reasons why we should not approach the subject thrown before us thus early in the Session with any degree of passion; that we should try to ascertain whether the time really requires such a change as that now introduced; whether that change is required by the people; and whether the proposition of the Government is calculated to satisfy them.

Sir GEORGE GREY said, he had listened, as he always did, with attention to the speech of the hon. Gentleman who had just sat down, and he must confess he was unable to discover whether he was to be numbered among the supporters or the opponents of the Bill. From some of his observations it might be implied that he would have been very glad if an extension of the suffrage had not been proposed by the Government; but now, when an outline of the proposed measure had been given by his noble Friend, the hon. Gentleman stated that to the principle of that measure he did not see any objection. Then the hon. Member asked for a month's delay, in order that the minute details of the Bill might be considered by the country and the House. Now, the details of the measure were questions essentially for the Committee, such, for example, as whether a town should be joined with one borough or with another. He hoped, therefore, the House would not consent to the delay proposed by the hon. Gentleman. He agreed with him that other subjects of great importance required the attention of Parliament; but the best way to ensure their consideration was to incur no delay in proceeding with the Bill now before the House. The hon. Gentleman said it was a very unusual occurrence not to lay a Bill before the House on the night on which leave was given to bring it in; but he believed he was wholly mistaken as to the usual course in this matter, and that it was very common to allow an interval of a couple of days before a Bill is presented. The right hon. Gentleman the Member for Stamford asked a question as to the day fixed for the second reading; and his noble Friend in reply gave a full fortnight, not between the present time and the second reading, but from the time when the Bill would be in their hands. Such a period he did not think at all unreasonable. The hon. Gentleman (Mr. Disraeli) hinted something about manœuvres and tricks with reference to the arrangements under the Bill, and founded that suspicion on what he said had notoriously taken place with the Reform Bill of 1832. What the circumstances were to which the hon. Gentleman referred, he knew not; but if any proposals were made by Ministers that could be called in question, ample opportunities would be given of stating objections when they considered the details of the measure. But, on the other hand, what he (Sir G. Grey) asked was, that if there were objections to the Bill, they should be manfully stated by its opponents, and that there should be no attempts indirectly to defeat the measure by postponing it till a late period of the Session. The hon. Gentleman seemed to speak as if the extension of the franchise to 5*l.* would have the effect of disfranchising 10*l.* householders. [Mr. Disraeli: I did not say so.] He understood the hon. Member to say so; but of course if he disclaimed the statement he would make no remarks upon the subject. The hon. Gentleman also referred to St. Albans, and read from an old return, which did not apply to the present state of the constituency of that borough. He believed that the present constituency of St. Albans fell within the number which his noble Friend had stated as the point within which he proposed boroughs to be dealt with. It was the intention of the Government, however, to bring in a separate Bill for the disfranchisement of that borough. In conclusion, he hoped the House would not grant the delay asked for by the hon. Gentleman.

Sir BENJAMIN HALL said, in previous Sessions the Government had been charged with not introducing a measure of reform, and now the Gentlemen opposite came forward and said the noble Lord was too hasty in his proposal, and was about to cause unnecessary excitement among the people during this happy state of peaceable prosperity; and the hon. Member for Buckinghamshire (Mr. Disraeli) called upon the noble Lord to postpone the Bill for an indefinite time—one of the most monstrous propositions he ever heard. As the right hon. Gentleman (Sir G. Grey) had shown, the material points alluded to by the hon. Member were matters of detail, and these would naturally be considered in Committee. The hon. Gentleman opposite (Mr. Disraeli) said, the Bill ought to have been laid on the table of the House at once, and blamed the noble Lord for not having it ready at this moment. That hon. Gentleman was not a Member of the House when the first Reform Bill was introduced; but he could tell him that his noble Friend was now acting in the same way as he then did. On the 10th of March, leave was given to bring in the first Reform Bill, and it was read a first time on the 14th of March. That was the very course now proposed to be taken. And when was it read a second time? It was a measure of much greater importance than the present, and yet only seven days after that Bill was brought into the House, the noble Lord moved that it be read a second time. And now, when they had been calling for reform for years, the hon. Gentleman opposite got up and asked that it should be postponed for a whole month! The hon. Gentleman had made use of strong language with reference to the boundaries of boroughs. The hon. Gentleman talked of manœuvres and proceedings having taken place in fixing the boundaries in 1832; but who was the principal party to those manœuvres? Lord Stanley, of whom the hon. Gentleman was now a follower. That noble Lord was one of the principal parties concerned in the Reform Bill; he took a most active part as to the boundaries of the boroughs; and now the hon. Gentleman taunted the noble Lord at the head of the Government with having used discreditable manœuvres and proceedings with regard to them. The hon. Gentleman ought to recollect with whom he was associated before he cast such reflections upon his noble Friend. But when he talked of this not being a full and comprehensive measure, he (Sir B. Hall) agreed with him. It was not so in his sense, nor perhaps in that of the hon. Gentleman, because he knew, from a printed address, that the hon. Gentleman had been in favour of the ballot and triennial Parliaments. He wished those questions had been introduced into the present Bill. It would then be much fuller and more comprehensive; but he doubted whether, if thus framed, it would have the support of the hon. Gentleman opposite. He must, however, congratulate his noble Friend at the head of the Government on one sign of the times: That whereas, in 1830 and 1831—and he was a Member of the House at that time—every stage of the Bill was fought (he remembered, indeed, a division of the House at a quarter past seven o'clock in the morning, and they had sixteen or seventeen divisions altogether that sitting), now there was to be no division. Hon. Gentlemen opposite dared not, in the face of their constituents, vote against this Bill being introduced. And when the hon. Gentleman taunted the Liberal Reformers with voting for this Bill, did he suppose they would vote against it because it did not give them all they wished for? They meant to do nothing of the sort. They would take all they could get, and move Amendments and try and get more. He agreed with the noble Lord at the head of the Government in one respect, that it would be extremely wrong to continue the very small boroughs. Some papers which he had moved for, and which, he believed, would be before the House in a day or two, would illustrate his objections on that point. Probably there would be a schedule attached to the Bill, and if there were, the first borough in the Schedule beginning with the letter A should be Arundel, and he would then give hon. Gentlemen opposite the opportunity of moving that that town should no longer send Members to Parliament. [An Hon. MEMBER: Abingdon came before Arundel.] Well, whether it were Abingdon or Arundel, he would give hon. Gentlemen the same opportunity. For his own part, he feared that the scheme of the noble Lord, in congregating together towns, would place the county constituencies more in the hands of the landlords, and give the landlords more power over their tenants than at present; if so they might rely on it that it would come to that which Earl Grey spoke of in the House of Lords—they must have the ballot to protect the people. He thought they ought to have a Reform Bill based on the principle of the former one—of enfranchisement and disfranchisement; and when they had miserable little boroughs like those referred to by his hon. Friend the Member for Inverness-shire (Mr. Baillie), they ought to be disfranchised. The hon. Gentleman had taken very good care to show up some of the boroughs represented by hon. Gentlemen on his (Sir B. Hall's) side of the House. But were there none represented by hon. Gentlemen opposite? Were there not Wilton, Christchurch, Hythe, Buckingham, Helstone, Huntingdon, and Stamford? He thought this state of things was disgraceful to the country, and that the first principle of the Reform Bill ought to be to disfranchise those small boroughs, and then to add protection to the voters. He could not quite understand why the county constituencies should be put on a different footing from those of the boroughs; why, in a borough, there should be a 5*l.* franchise and a 2*l.* franchise, and yet in counties there should only be a 20*l.* franchise? Was it a compliment to the voters in towns, to show they were so much more intelligent and enlightened, that a man who had property to the extent of 5*l.* a year was qualified to vote, while a farmer who rented property of less than 20*l.* a year was not qualified to vote? But there was a greater anomaly than that. Was the Irish farmer so much more enlightened a character than the English farmer? And why was the former, with a 12*l.* holding, to have a vote, when the farmer in this country could only have it for a 20*l.* holding? He thought there should be the same qualification in towns as in counties. It might be said that that would give more influence to the landlords; but, as he had said before, then give the people the ballot. He would not trouble the House with any details, but would thank the noble Lord for bringing in the Bill, and hoped he would not admit of any delay; and, when the hon. Gentleman opposite spoke of the people being anxious for law reform, for an inquiry into the colonial system and the taxation of the country, he entirely agreed with him, but would suggest, if the hon. Gentleman and some other Members would make shorter speeches, they would have plenty of time to proceed with the great questions to which the hon. Gentleman had referred.

LORD DUDLEY STUART said, he must admit there was a very great difference between the state of feeling in that House and the state of public opinion out of doors on the subject of reform, and that which existed in the House and in the country at the time when the first Reform Bill was introduced; but it would be a great mistake to argue from that difference that there was not an earnest feeling in the country in favour of reform. Twenty years ago, when the first Reform Bill was introduced, it was well known that the measure to be brought forward would be of a large and comprehensive nature: it therefore enlisted the ardent sympathies of liberal men; while, on the other side, Gentlemen were indignant that there should be any extension of popular rights; and Gentlemen who rejoiced in Gatton and Old Sarum, and boroughmongers of every class, were incensed to the highest degree at the idea of being deprived of that unrighteous power which they had wielded so long; and they came down to that House in great numbers to defend the abuses in which they rejoiced; but now he did not think that men on the Liberal side of the House, or the Liberal party in the country, had formed such sanguine expectations: and neither were Gentlemen opposite so much alarmed as they had been on a former occasion: there was not so much to be hoped on one side, or to be feared on the other—and that afforded a true explanation of the state of that House. He could not say that the measure which had been brought forward that evening was likely to give to the country any great amount of satisfaction, nor that it would come up to the wishes of the people at large. In the first place, he did not see that it was based upon any great principle. He admitted it would confer an extension of the franchise, and so far it would be a benefit; but what was that extension? Why, that the qualification was reduced from 10*l.* to 5*l.*; but he would ask why a man who rented a house worth 4*l.* a year had not as good a right to the franchise as the man who paid 5*l.*? He was glad that the noble Lord, in introducing this Bill, had, at least, got rid of a reproach which was attached to him for many years—a reproach against which he had often defended himself in words, but had now done so by deeds—he meant the reproach of the finality of the Reform Bill of 1832; for not only had he repudiated that doctrine by bringing in the present measure to reform the Reform Act, but also by bringing in a measure which he must be conscious was no final measure, and which could only be considered in the light of an instalment. With regard to the changes which the noble Lord proposed to introduce into the representation of the counties, he believed it was generally admitted that a very small advantage indeed would ensue as far as regarded giving to the people a true and efficient representation. He feared that those in whose hands the noble Lord proposed to place the franchise were not likely to prove free agents, but that the measure would be the means of giving additional power to the great landholders, instead of giving a truly efficient representation to the people of this country. But there were some parts of the proposed Bill which he could not but approve of. He approved of any extension of the franchise, and he thought that the provision giving to every man who should pay 40*s.* in direct taxes a vote, was an improvement. He approved of everything in the direction of extending the suffrage, because he wished to see a full, free, and fair representation of the people; but he did not regard it as a full representation of the people, without a much larger extension of the franchise, and he could see no real representation of the people, unless they were protected in the exercise of their franchise; and when he spoke of the rights of the people, he could not help noticing an expression which fell from the noble Lord upon the extension of the franchise. The noble Lord said he would extend the franchise as a reward to the people. He (Lord D. Stuart) did not think that a proper or statesmanlike view of the subject. If it were for the advantage of the people that they should have the franchise at all, they ought to have it; if it were not, it ought to be withheld from them; but he could not admit of its being extended to them as a reward. Another observation in the speech of the noble Lord had also surprised him. The noble Lord told them he did not desire to get rid of the small boroughs; he thought it an advantage to the country that the small boroughs should be continued, because, without them, all classes would not be represented; yet the noble Lord spoke of Sudbury being disfranchised, and of St. Albans about to be disfranchised, and the noble Lord intended bestowing the franchise of those places upon some large town. The noble Lord, with the opinion he held, to be consistent, ought, in taking the franchise from one small borough proved to be corrupt, to confer it on some other small borough. But the noble Lord was not altogether satisfied with the small boroughs, and he stated that, where they were shown to be corrupt, they shall be deprived of the franchise. He (Lord D. Stuart) thought that a good provision, and he approved of any measure having a tendency to put an end to the immorality of the corrupt boroughs. With regard to the provision in the Bill as to boroughs not having more than 500 electors, which the noble Lord proposes adding to some neighbouring borough, he confessed he had very great doubts as to the propriety of that provision and its effects, and he warned the House not to suppose that, by adding to a borough some neighbouring place or places, they would always ensure its purity or independence: sometimes the very contrary effect would be produced by such addition. He would refer to one—the borough of Arundel—which he had once the honour of representing. In the Reform Bill it was proposed to add to that borough the neighbouring port of Littlehampton. The noble Lord at the head of the Government would recollect what had occurred; and he (Lord D. Stuart) was glad to remind the House of it, because it gave him the opportunity of defending the noble Lord from an attack which he had lately seen made upon him in the papers with regard to this very case. It was alleged that the Boundary Commissioners had recommended the addition of the town of Littlehampton to Arundel; but that to that recommendation, which would have had the effect of neutralising the influence of the Duke of Norfolk in the borough of Arundel, the noble Lord had objected, being secretly influenced by a desire to preserve the influence of the Norfolk family over the electors. This charge was wholly unfounded. The noble Lord had been anxious to maintain the original arrangement, and he only gave it up in consequence of the strong opposition made to it by him (Lord D. Stuart), at the desire of the inhabitants of Arundel. A Committee was, at his (Lord D. Stuart's) instance, appointed to inquire into the circumstances, and it was only after the report of that Committee that the junction of the two plans was abandoned. But why did the inhabitants object to the junction? Because they believed that the effect of it would be to make Arundel, which had still pretensions to independence, a complete nominee borough in the hands of the Duke of Norfolk, inasmuch as he held very considerable property in the town of Arundel, but had not complete power over it; whilst the whole town of Littlehampton belonged to him, and the borough, therefore, would have been entirely in his power. This would have been done, only he (Lord D. Stuart) and the inhabitants of Arundel vigorously opposed it. He was happy to have that opportunity of thus recording the facts connected with that transaction, because a very erroneous impression respecting it had gone forth in the public press. The proposal to add Littlehampton to Arundel was not, as had been represented, one of those discreditable tricks and contrivances alluded to by the hon. Member for Buckinghamshire (Mr. Disraeli) to keep power in the hands of the noble Lord at the head of the Government, for it had been abandoned when good reasons were shown against it; but the effect would certainly have been to consolidate the power of a great proprietor, the Duke of Norfolk. He was afraid such things would happen when two or three small towns were taken together, and therefore he could not think that such a plan would have the effect of giving to the people the full and free representation they ought to have. The noble Lord at the head of the Government had not said a word about what was considered out of doors a very important measure—the shortening the duration of Parliaments. He thought this necessary in order to give that due control to the electors over their Members which they ought to have, with a view to call them to account at the proper time for their votes. He therefore did feel, upon principle, that this measure would be very far from being likely to satisfy the expectations and desires of the people; but, inasmuch as it was a step in the right direction, and destroyed for ever the doctrine of finality, and gave a guarantee for the improvement of the representation, he would accept it, but only as an instalment, being at the same time determined to do the utmost he could to obtain still more.

Mr. M. O'CONNELL, as an Irish representative and a Roman Catholic, wished to take that the first opportunity he had of returning his earnest thanks to the noble Lord for doing away with that most insulting of oaths, which the law hitherto imposed upon Members of his religious creed. He believed the measure would be fully appreciated in Ireland, and he hoped the noble Lord would have simply the Oath of Allegiance as competent to admit Members to that House. The people of Ireland had always proved their allegiance to Her Majesty; they were ready to do so again, and he was sure that portion of the Bill of the noble Lord, to which he had more particularly alluded, would be regarded in Ireland with ardent gratitude.

Captain HARRIS rose to protest against the stigma which the hon. Baronet who spoke last but one, attempted to fasten on the borough which he had the honour to represent. He would challenge that hon. Gentleman, or any one else, to go down and ascertain from his political opponents at Christchurch, whether there had been any bribery or undue influence exercised at his election. It was too bad for these "two patriots" of Marylebone to come down and brand boroughs with corruption, because they had small constituencies. He thought the Bill would at least have the effect of opening the eyes of the public to the real merits of what were called "popular orators;" and that the poorer working classes when represented by such a class of men, would not continue to give them their support, but would require more solid qualities than those of making such a ranting speech as they had just heard.

Leave given. Bill to be brought in by Lord John Russell, Sir George Grey, and the Chancellor of the Exchequer.

The House adjourned at half after Ten o'clock.

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HOUSE OF LORDS,

Tuesday, February 10, 1852.

MINUTES.] PUBLIC BILLS. — 1ª Parliamentary Proceedings Facilitation.

2ª Municipal Corporations Acts Amendment; Secretary of Bankrupts' Office Abolition.

BUSINESS OF THE HOUSE — PARLIAMENTARY PROCEEDINGS FACILITATION BILL.

LORD LYNDHURST wished again to advert to the conversation which occurred last evening in that House with reference to the legislative procedure of Parliament. In the course of that conversation it was suggested by a noble Earl (Earl Grey), and the idea had probably suggested itself to others, that it might be advisable to adopt some measure for enabling either House of Parliament to take up the proceedings of a former Session, for the purpose of passing into law measures of which want of time had prevented the passing. He had brought in a short Bill for the purpose of carrying this suggestion into effect, and he begged now to move the first reading of the Bill. He did not suppose that he had in this measure met all the objections that might be made to it, but his object was to have the question put in a tangible and practicable shape, in order that they might examine and discuss, either in a Select Committee or any other mode that might seem expedient to their Lordships, the provisions of the measure. He should, therefore, content himself on the present occasion with moving the first reading of the Bill. He had adopted certain restrictions and regulations for the purpose of preventing any abuses from springing out of the course he proposed to introduce; but when it was laid on their Lordships' table they would have an opportunity of considering the measure, and seeing whether the method recommended was in itself a valuable one, and whether the restrictions by which it was guarded were sufficient to prevent any abuses.

The **EARL of DERBY** must express his great satisfaction that his noble and learned Friend had taken up this subject. Some Sessions ago he had declared his concurrence in the proposition now made; and a Bill to give it effect was actually introduced into their Lordships' House, which, though opposed in some high quarters, met with very general approval. That Bill was sent down to the other House, where the subject did not attract much attention, though various other suggestions for facilitating the transaction of the business of the House were made. The measure, along with others, was referred to a Select Committee; but there in point of fact it was swamped, and nothing more was heard of it. He only hoped that since that time the increasing difficulty which had been experienced in carrying any measure through Parliament might lead both that and the other House to a favourable consideration of the proposal of his noble and learned Friend.

LORD LYNDHURST observed, that in order to show the advantages of the measure, he need only instance the Bill of last Session, which had been referred to, for the amendment of the patent laws. If he were to propose to that House a resolution that that Bill should be considered and acted upon as a Bill of the present Session, he had no doubt that their Lordships would agree to that conclusion; and he thought also that the other House, if they agreed to consider the subject, would arrive at the same conclusion. If both Houses would agree with respect to a certain Bill which had passed both Houses in a former Session, or which had come down to either House for consideration from the other, that it was a proper Bill to be considered in the actual Session, he thought they must also acquiesce in the propriety of passing a measure with the view of making this the regular course of proceeding.

LORD CAMPBELL by no means rose to oppose the first reading of this Bill. On the contrary, he thought the question one of the utmost importance, and highly deserving their Lordships' attention. Nor did he mean to propose any amendment on it. He only rose to caution their Lordships against supposing that the Bill was to be considered free from objection. When it was introduced into that House on a former occasion, under the auspices of a noble Lord not now present, but who was most profoundly acquainted with its laws and usages—he meant Lord Redesdale, whom they had elected Chairman of their Committees, he (Lord Campbell), along with that noble Lord, certainly thought that it was liable to very serious constitutional objections; but perhaps these might now be removed, and he might have the pleasure of concurring in the measure now proposed by his noble and learned Friend. But as he was absent from the House on the previous day in the discharge of his official duties, he must express his humble opinion as to what had been said of the impolicy of commencing Bills in that House, being wholly unable to concur in it. He thought that a most erroneous, and it might turn out to be a most mischievous, doctrine; nor did he think it would be advisable for any Government to act upon it. With respect to measures that were unpopular, though unpopular, he allowed it was much better that they should not commence in that House; and he believed they would not receive much weight from their having passed that House when they were submitted to the House of Commons. But there were many measures now begun in the House of Commons which might much better originate with their Lordships; and, according to his experience and observation, measures were generally received with more respect and favour in the House of Commons when it was known that they had been considered and approved by their Lordships.

LORD BEAUMONT said, he had no doubt that the Bill proposed by the noble and learned Lord would be of great utility; and, as the subject was again started, he would take the opportunity of putting a question to the Government respecting the business of the House during the present Session. The Government appeared to have adopted the principle that the Bills passed by that House and dropped in the other during the last Session, should be commenced in the other House this Session, and *vice versâ*. That almost met the principle of the noble and learned Lord's Bill; but, in looking over the list of Bills which had been passed in that House, but not in the House of Commons, last Session, he found that the number was considerable, and the subjects they referred to very important. The Registration of Deeds, the Patent Law Bill, and others, had occupied their Lordships a great portion of last Session; and he saw from the Votes, that those Bills had been commenced this Session in the House of Commons. Now, he wished to be informed what were the Bills of importance which had been passed by the Commons in the last Session of Parliament, but which had dropped in this House, and which were to be introduced into the House of Lords this Session. He wished for an answer to this question: because he could not discover any measure of serious importance which their Lordships had dropped after having passed the Commons, so that the rule adopted by Government would still leave the House of Lords without business at the early part of the Session. He would therefore ask, Was there any Bill of importance which their Lordships were likely to have introduced to their notice before Easter, or before the Bills came up from the Commons? He protested against the principle laid down last night by the noble Earl the Secretary for the Colonies, that all Bills of importance ought to originate in the House of Commons. He was himself a good Liberal, but not so much of a democrat as the noble Earl, who had said that it was advisable that all Bills of importance should originate in the other House. In his opinion the House of Lords ought on no account to abdicate its inherent right of originating Bills. There were very many Bills, especially those affecting the law and the landed property of the country, which their Lordships were more capable of originating than the House below. If their Lordships wished to maintain the utility of their own House, they must not let it go abroad that they had no power or right to originate laws, and that they were merely, as had been said by somebody, a House of revision, or a Chamber to correct the technical and clerical errors of the other House.

EARL GREY protested entirely against the accuracy of his noble Friend's version of what he had said. On the previous evening a noble Earl, not now in his place, remarked that the prospects of success for great measures were improved by their being originated in the House of Commons. But he was not aware that any fixed principle on the subject had been laid down by any one. What he had said, and what he now repeated, was, that from all his experience in watching the progress of Parliamentary business, he thought that for a great variety of subjects the prospects of arriving at satisfactory legislation were better for measures originating in the other House of Parliament, rather than in that; and for this obvious reason, that in a great variety of subjects, according to the usual forms of Parliament, their Lordships could not originate a measure in its complete shape. Again, all very important measures affected a great variety of public interests, which were most broadly represented in the other House of Parliament, and it was by the arrangement of a compromise between conflicting interests that such measures were best framed for practical use and efficacy. But that that House existed for the correction of mere clerical errors, he should deny as much as his noble and learned Friend. The function of revising legislative measures commenced in the other House of Parliament was frequently not less valuable and important than that of originating such measures. There was also one class of measures which most fitly originated with their Lordships, and to which much of their attention was now devoted—he meant measures connected with the improvement of the law. With respect to the question put to him, he could only say that he was not at this moment aware of any very important measure likely to be speedily brought before their Lordships, with the exception of those which had been already announced.

LORD LYNDHURST said, he would take that opportunity of observing that Bills originated in the House of Commons ought to be sent to their Lordships as much as possible separately, and not be brought up all in a heap at the end of the Session.

The MARQUESS of LANSDOWNE said, he would only repeat the assurance already given by his noble Friend (Earl Grey) relative to the conduct of business in that House. He entirely dissented from the doctrine that any rule should be laid down, or even any understanding, that Bills should be generally originated in the other House, and not in their Lordships'. He should be sorry to see any such principle laid down, believing that it would be detrimental to the honour of their Lordships, and injurious to the interests of the country. He considered it was one of the advantages of the co-operation of two Houses so differently constituted as the Lords and the Commons, that an opportunity was afforded in every case of judging (and it was only upon the circumstances of each particular case that it could be judged) whether it were better that a Bill should be introduced in the other House or in their Lordships'. Looking at their past practice and experience in legislation, as exhibited in the Statute-book, it certainly was seen that very many Bills were brought under the consideration of Parliament connected with matters of trade and finance, or revenue, which it was obviously convenient, if not necessary, should be introduced in the House of Commons; though, on the other hand, some measures, even though measures of practical detail, might be better originated in their Lordships' House. He agreed that it was important that measures originated in the other House should be sent up to their Lordships, as far as possible, separately; and if it had not been so, he believed it was not owing to any want of zeal or assiduity on the part of his noble Friend (Lord J. Russell) at the head of the Government, but to other causes, and, last Session, to the species of opposition pursued by some Members for the sake of obstructing a certain measure.

LORD BROUGHAM said, he would remind the House that there was a third or middle class of Bills, independent of the two classes which were formed of the Bills originated in the House of Lords, and dropped in the House of Commons, and of those passed in the House of Commons, and dropped in the House of Lords—there was a class of Bills which had passed through both Houses, and which were not converted into laws merely from want of time to consider the amendments made in them. Such was the Bill which he had introduced in their Lordships' House last Session for the extension of the jurisdiction of the County Courts to cases in bankruptcy, the second reading of which was appointed for this evening. Considerable alteration was made both in the form and in the substance of that Bill in the House of Commons. It came back from the House of Commons to their Lordships within a few hours of the close of the Session, so that the alterations which that House had made in it could not be taken even into consideration. It was therefore postponed to this Session. He now proposed that on Thursday next he should move the second reading of the Bill.

LORD CRANWORTH observed, that his noble and learned Friend's Bill on this subject went down last Session to the House of Commons with fifteen clauses in it, of which fourteen clauses were expunged by the Commons; and in the fifteenth the word "not" was inserted as an amendment, thereby altering and vitiating its meaning. The Commons then substituted seventeen new clauses of their own. Was that the Bill of which his noble and learned Friend intended to move the second reading on Thursday next?

Lord BROUGHAM said, that the account given by the noble and learned Lord was literally true, though, in point of substance and effect, it was the reverse of true. The object of the Bill was to give equitable jurisdiction to the County Courts, by empowering them to do much that was now done by the Masters in Chancery. The House of Commons had adopted the principle of the Bill, but had worked it out in a different way. The alterations which they had introduced did not change in any manner the principle of the Bill.

Parliamentary Proceedings Facilitation Bill read 1ª.

Second Reading of County Courts Further Extension Bill *put off* to Thursday next.

NEW ZEALAND.

The Duke of NEWCASTLE wished to put a question to the noble Lord at the head of the Colonial Office which had reference to a Bill introduced by Government. Shortly before the prorogation in August last, he (the Duke of Newcastle) had given notice that in the event of the question not being taken up by the Government, he should bring forward the subject of New Zealand in the present Session, with a view to legislation. Notice had, however, been given of the intention of Government to introduce a Bill in the present Session, and he should, of course, be unwilling to raise any discussion on the subject which might be inconvenient. It must be admitted that it would be desirable that a measure should be introduced in the course of the present Session, looking at the condition of the colony. He begged, therefore, to know whether it was intended by Ministers to introduce the measure in that or in the other House of Parliament; and if so, at what time it might be expected?

Earl GREY said, that he must inform the noble Duke that with respect to the House in which that Bill must originate, there was no room for question; inasmuch as that when in August last he was extremely anxious to commence it in that House, he was informed by the highest authority in the other House of Parliament, that, being a measure of finance, it must originate in the House of Commons. The Bill would, he hoped, be brought in as soon as the state of business in that House gave a reasonable prospect of its being proceeded with; it was prepared, but various points remained which it would be desirable to include in it. He had reason to believe, from the last despatches he had received from the Governor of New Zealand, that in a very short time they might probably receive some additional information which would have a very close bearing on the question. It was certainly not his intention to wait for those despatches if the state of things in the House of Commons were such as to enable the Bill to be brought in. He agreed with the noble Duke that it was a subject of urgency, and should come before them as soon as possible. He trusted that before long it would be in the power of his noble Friend the First Lord of the Treasury to inform him if the state of business in the House of Commons would enable the Bill to be brought in there.

STATE OF IRELAND.

The Earl of RODEN said, that many days had not elapsed since he had left that part of Ireland in which those outrages had been committed of which their Lordships had heard so much through the newspapers. Those outrages had been committed, all within a very short time, some of them within a mile of his own residence, and others at a not much remoter distance. Their Lordships, therefore, would not be surprised that he should be most anxious, as soon as an opportunity arose, to be informed of the intentions of the Government relative to the lamentable state of things which existed in that part of Ireland. He was referring more especially to the outrages which had occurred in the counties to which the special commission applied—Louth, Monaghan, Armagh, and Down. There had existed in those counties for a long time a system of confederacy, which had broken forth recently into some of the most cruel acts which had ever stained the history of any country. He would not enter at present into any details of the circumstances to which he referred, but would defer them to another opportunity, when he should probably have to bring the whole state of Ireland before their Lordships. He lamented to say, that the confederacy of which he complained was not the confederacy of a few, or of a particular number of persons, but that it was a confederacy of the whole population of the country, which, acting by intimidation, and in most cases under intimidation and compulsion, was committing the most dreadful crimes, murders, beatings, and other inhuman acts of violence, against Her Majesty's peaceful and loyal subjects. Such was the state of terror prevailing among persons in his own class of life, that no gentleman went from his house to ride through the country without carrying arms in his pocket to meet the persons who were prepared or hired to attack him. These outrages were not confined to the night—in open day these awful murders were perpetrated. Their Lordships must also bear in mind that the people had been led to believe that these murders were no murders when the unfortunate victim of them had previously received three notices that it was the intention of his assailants to visit him. Such was the state of intimidation among the higher classes in these districts, that gentlemen going out to enjoy the pleasure of hunting, were in the habit of carrying pistols with them throughout the day. It had come to his knowledge that nine gentlemen were recently standing together by the side of the cover, and that seven out of the nine had pistols in their pockets. Their Lordships could have no idea or conception of the reign of terror thus established in those districts. He hoped that the noble Marquess opposite would forgive him for asking whether Her Majesty's Government was acquainted with the extent of the distressing circumstances which he had just mentioned, and whether it was prepared to propose to the Legislature any measures to meet the evils which existed, as the common law had been proved incompetent to meet them, and as a special commission, for the first time in Ireland, had failed of its object?

The MARQUESS of LANSDOWNE: I am not at all surprised, my Lords, that the noble Earl should have called the attention of the House to this subject. It is quite natural for him, himself an intelligent, humane, and benevolent landlord, to seek to know, as far as Government can inform him, what are the causes which threaten life and property, and what are the means in the hands of Government for securing landlords in the rights which undoubtedly belong to them. Not only the noble Earl, but every gentleman in that country, has a right to know whether, in a state of things so lamentable as he has described, and, I believe, justly described, the state of that portion of the country to be, the Government has been prompt to apply, and efficacious in the operation of the proper remedies, and whether the powers of the law have been and are sufficient for their protection. I can say—and the information which the noble Earl possesses will not controvert my statement—that, from the first indication of this system of outrage, commencing, I believe, about May, 1850, but proceeding to acts of a more aggravated character in the course of the subsequent year, in each stage of these proceedings the Government has shown itself fully alive to the importance of the duty which it had to discharge. Upon every occasion, when communications have been made as to the insecurity of life and property from this system of outrage, the Government promptly and immediately attended to every suggestion on the part of the local magistrates, as to the mode in which assistance could be most efficiently supplied. In an early stage of these violences it was the opinion of the magistracy that it would be attended with great effect if the local constabulary should be increased. No time was lost in detaching to those parts where these outrages had been committed such a number of constables as the magistrates deemed sufficient for the protection of life and property, and I believe that in many cases this has acted beneficially. In the present instance it was submitted that a special commission should be sent down by the Government, for the purpose of administering speedy and effectual justice in the disturbed districts; and when your Lordships consider how this commission was constituted—that there was placed at the head of it one of the most able, enlightened and experienced Judges that ever sat on the Irish Bench—that he conducted his duties with the greatest ability, and that he was supported by the law officers of the Crown, and others most able in the discharge of their duties, you will not think that that portion of the duties of the Government has been in any respect neglected. That that Commission has not, however, effected all that it was intended to do, I am with sorrow compelled to confess; but because, from causes into which I shall not enter, but upon which some conjecture may be formed, one or two trials have not been successful—for it must be remembered there have been convictions obtained, which, I am told, will be of great importance—I am not, therefore, prepared to admit at once the entire failure of the law, or that it has been shown that extraordinary measures ought to be submitted to Parliament, until at least all legal means of repression at the disposal of the Government have been exhausted. Fresh measures, consistent with the law and the existing state of the constitution, are being taken for the vindication of justice; and, from information which has reached me from parties deeply concerned, I feel fully justified in saying that the great object sought for will be attained. I am not, therefore, disposed to admit that, until all those means are exhausted, any measures inconsistent with the general principles of the constitution, ought to be adopted by Parliament. I am ready, however, to declare that if all those should fail, then it will be the first duty of the Government and of Parliament to consider how, by any means, life and property can be secured, because I take that to be the first duty of all Government, and the end of all laws, whether constitutional or of any other description, all being intended for that great and legitimate end. I hope that Government will not be pressed at this moment to propose any extraordinary measures, since Parliament will be able to watch the working of those legal means which are now being taken; and, above all, as it will be the duty of Government to take care that in those districts where by the criminal connivance of some, and the intimidation of others, all feeling of security has been destroyed, no advantage, pecuniary or otherwise, shall accrue to any person connected with that system of outrage, and equally guilty with the actual perpetrators by their connivance. But this disposition on the part of the Government will require the concurrence of the Irish landlords, and they must think it their duty, as well as that of the Government, to see that those deluded persons shall not be placed in a position to suppose that, by any acts of theirs, subversive of law and order, they have attained the objects they sought for. It can only be by the determined concurrence of the Government, and those employed by it, with the proprietors of the soil, that a conviction can be forced upon these persons that no benefit will ever be ultimately obtained from the system of barbarous vengeance in which they have been engaged. With regard to the future, I trust the noble Earl will keep his attention alive to this subject. I can assure him that the Government of Ireland —ay, and of the country too—is awake to its importance, and will be anxiously watching from day to day the progress, and in devising the means of repression of these outrages. In the meanwhile, we shall be glad to receive from, and attend to, any communication from the noble Earl and his brother magistrates on the subject. There will be an opportunity, in the course of the present Session of Parliament, for considering the point; for in the present state of things there will be good ground for considering the expediency of renewing the Crime and Outrage Bill, and it will be for Parliament then to consider whether any more expedient provision can be introduced into that Bill—a Bill which, I may say, has been found most advantageous in other parts of Ireland, and in the south more particularly, has been attended with a success most remarkable. I do not, therefore, despair that that Bill, as it now stands, may ultimately effect those objects which all must so anxiously desire.

The MARQUESS of LONDONDERRY, who was very indistinctly heard, said he had listened with the greatest respect and deference to what had fallen from the noble Marquess, and could assure him that with many parts of his statement he entirely concurred. But having last year been much in Ireland, he wished, in a few words, to give his opinion of the state of the country. He regretted to say that in the north of Ireland, which had hitherto been one of the most peaceful and industrious districts, there had been instances of the most barbarous murder, the houses being attacked, and the lives attempted of persons who had been the greatest promoters of the comfort and well-being of the population. What was the cause of that unfortunate state of things? He very much feared it was owing to the agitation which had raged on the subject of tenant-right; and he thought, if we had been able to arrest the influence of the clergy in the north as well as the influence which had been exercised by the clergy in the south, a great portion of these deluded people would not have been led astray, and would not now form the nucleus of lawless combinations and associations. Though there had lately been a diminution of the cry of tenant-right, their Lordships would find that it was still one of the greatest evils with which they had to contend. Until lately his own tenantry had been amongst the most attached and best affected in all Ireland; but he was sorry to say that the principle of the prevalent mischievous agitation had found its way amongst them, as well as amongst the tenantry of many other landlords. He had every reason to believe that the Tenant Right Association would take very much the character of the Ribbon organisation. Independent of these particular associations, however, he was ready to acknowledge that his own tenantry were generally in a better disposed state than they were last year. A combination existed for the purpose of compelling landlords to reduce their rents; and he regretted to say that clergymen were found making inflammatory speeches instigating the people to agitation. The consequence was intimidation to so great an extent that the agents in many parts of Ireland were unable to perform their duty to their employers; and he believed it was pretty well known that the agents to estates were not able to get an insurance upon their lives. The noble Marquess was understood to conclude by complimenting Lord Clarendon on the anxiety and activity he displayed to preserve the peace in Ireland.

The MARQUESS of WESTMEATH hoped that when the Government was devising the measures it intended to propose, it would bear in mind that the "Ribbon" system was not a partial thing, and that it had been going on for years in Ireland. It was a well-known fact from the history of Europe, that a very small body of individuals combined together could do a very great amount of mischief; and he hoped the Government would remember that the system of agrarian outrage in Ireland was kept up by a comparatively small knot of agitators, who involved large masses of the people in their lawless confederacy against their own consent. If it adopted any measures at all against that association, it must adopt measures of a rigorous character. But there was one remedy which formed part of the Crime and Outrage Act which he hoped would not be adopted—he referred to the system of quartering the police force which was sent to quell disturbances upon the immediate district or locality where the outrages took place. This might be a very good remedy in ordinary circumstances, but it was not all suited to the present condition of Ireland; for it was one of the greatest calamities of the present state of things in that country that strangers came into a district for the purpose of committing outrages in which the inhabitants of that district had no share, and when those outrages were committed, at once disappeared; in fact, those districts were the greatest sufferers from these outrages; and, if the system were adopted of quartering a police upon them, it would only be adding another calamity to those which had already been inflicted upon them. He trusted therefore that that part of the Act would not in this case be relied upon, but that, on the contrary, it would be repealed. He had only another remark to make. He was afraid that what had fallen from the noble Marquess relative to the Irish landlords was liable to misconstruction. The noble Marquess had expressed a wish that the landlords of Ireland would co-operate with the Government in promoting the restoration of peace in Ireland. Now, he was aware that the noble Marquess was a model landlord, and he was perfectly sure that every one connected with the land in Ireland entertained the same feelings on this subject as the noble Marquess himself did. But it ought to be remembered that all offences which had lately taken place had been directed either against landlords or their immediate connexions, and that in no one instance had they been the instigators of crime. He thought it right to make these remarks, because it might have appeared from what the noble Marquess had said, that he had been reading a lecture to the Irish landlords with regard to their duty on this subject, whereas he was sure the noble Marquess could have had no such intention. The parties who had suffered had only put in force the ordinary remedies of the law where rents had for years and years remained unpaid, and where their land had been occupied against their wish; and for taking the mildest remedy, they received notice that they would be shot.

The MARQUESS of LANSDOWNE was glad that the noble Marquess had given him an opportunity of explaining any obscurity that might have attached to the language he had used with respect to the Irish landlords. What he meant to have said was, in speaking of the importance of the duty which the Irish landlords had to perform, that he hoped that, in concurrence with Government, they would take care that the instigators of the criminal proceedings, and the persons who gave them countenance, should not derive, nor appear to derive, any benefit from the perpetration of those outrages; and that even where rents had been reduced, a suspension of that reduction ought to take place, if it should appear that those reductions were sought to be continued by intimidation.

The EARL of RODEN could not avoid expressing his regret that Her Majesty's Government were not prepared to take strong measures to remedy so urgent a state of things as existed in Ireland. At the same time, he gave them every credit for their feelings on the subject, and he trusted it would be found in the end that they were right, and that he was wrong. But he must say, that unless they took measures to strike at the root of the Ribbon system—for the system was not confined to any particular counties, but extended throughout all Ireland—they would do little or nothing to put it down. He was glad that the noble Marquess had had an opportunity of explaining what had been said about the Irish landlords; for, certainly, without this explanation, a very different impression of his remarks might have gone forth to the public. He (the Earl of Roden) trusted that the Irish landlords would use every effort, in conjunction with the Government—he meant, of course, when they acted rightly and promptly—to combat the evils complained of, and to assist in giving confidence and security to the people at large. He was perfectly sure that such was their object and desire. He trusted, above all, that they would not allow themselves to be intimidated, and that, even at the risk of their lives, they would remain at their posts, in order to maintain the honour and credit of Her Majesty's subjects. He earnestly trusted, also, that whatever measures the Government adopted would be found effectual, and he should feel it to be his duty to watch them, in order to see whether they were so. He would defer saying anything more on the subject until he saw how things went on in Ireland; and, therefore, he would not now name the day for bringing the subject more at large before their Lordships; but he freely confessed that he thought, from what he heard and saw, that things would grow worse, and that the time was not far distant when the Government would be sorry that they had not sooner adopted strong measures to prevent the continued effusion of innocent blood.

The **Earl of DESART** considered that the outrages which were taking place in Ireland were to some extent attributable to the tenant-right agitation, the legitimate consequence of which must be the extermination of landlords in that country. The "Tenant League" might not have had its origin in this desire, but he considered their principles to be quite incompatible with the existence of rights to property. He hoped, therefore, that in any measures which might be adopted for meeting the present evils, the Government would not forget to include the means of watching and checking the proceedings of the Tenant League meetings.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, February 10, 1852.

MINUTES.] PUBLIC BILLS.—1° Enfranchisement of Copyholds.

PARLIAMENTARY REFORM (IRELAND).

MR. KEOGH begged to ask the noble Lord at the head of the Government, whether provisions for the extension of the Irish franchise would be included in the measure for reforming the English franchise? He thought it very important that Ireland should be included in the same Bill with England; and the course which he and other Members were likely to take with respect to this measure would depend very much upon the purport of the noble Lord's answer upon this point.

LORD JOHN RUSSELL said, that the extension of the Irish Parliamentary franchise would be provided for by a distinct Bill; but there were some parts of the Bill for leave to introduce which he moved on the previous evening—for instance, that relating to the Oaths to be taken by Members of that House—which would apply to Ireland as well as to England.

LAW OF SETTLEMENT.

SIR JOHN PAKINGTON wished to ask the right hon. President of the Poor Law Board whether he intended in the course of the present Session to bring forward any measure for amending the Law of Settlement?

MR. BAINES said, that the arrangements already made for the conduct of the public business in that House, would, he apprehended, prevent his introducing a Bill on this subject early in the Session. The Government, and no member of it more than himself, were fully aware of the importance of the subject, and of the necessity, daily becoming more evident, of introducing some material change in the Law of Settlement; and if it appeared in the course of the Session that there was any possibility of legislating on the subject, he was authorised to state that the Government would be prepared to introduce a measure.

EXPULSION OF BRITISH SUBJECTS FROM HUNGARY.

MR. CHISHOLM ANSTEY wished to put a question of which he had given notice to the noble Lord at the head of the Government. It had been stated that British subjects of great respectability (including a Protestant clergyman), who had been residing in Hungary for ten years, during which it was a Protestant country, and latterly under the protection of the Austrian constitution, which secures liberty of conscience to all, had been, by an arbitrary order of the Cabinet of Vienna, compelled to quit their residence at Pesth and the Austrian territories within six days. To comply with this order, they were compelled to make large sacrifices of property, and to expose their families, many of the members of which were of tender age, to the hardship of a long and painful route at an inclement season of the year. No charge had been brought against them affecting their loyalty to the Government under which they lived, and they had the highest testimonials of approbation from their spiritual superiors at home, the Free Church of Scotland. He wished to know whether, supposing the Austrian law of domicile to be as he had assumed it, and the facts which he had stated to be true, the Government had taken any, and, if so, what measures, to procure from the Cabinet of Vienna satisfaction for this gross violation of national right?

LORD JOHN RUSSELL said, that, although the hon. and learned Member had given notice of this question, he was not aware that he had intended to bring it forward on that day, and he was therefore not then prepared to answer it. He would make inquiries on the subject, and answer the question on a future day; but at present he believed that his noble Friend the Secretary for Foreign Affairs had no means of answering the question.

TENANT RIGHT (IRELAND).

MR. SHARMAN CRAWFORD begged to move for leave to bring in a Bill to provide for the better securing and regulating the custom of Tenant Right as practised in the province of Ulster, and to secure compensation to improving tenants who may not make claim under the said custom, and to limit the power of eviction in certain cases. At the close of the last Session he was invited to call a meeting of Members of Parliament and other persons interested in the subject in Dublin during the recess, to a conference for the purpose of considering whether some measure could not be adopted on this subject which would receive general concurrence. Such a conference was accordingly held, when the Bill which he had introduced in 1850 was considered, and an agreement was entered into by the gentlemen present to support that measure, with certain alterations that were then determined upon. Since that time there had been various public meetings in all parts of Ireland, which, so far as he knew, had unanimously approved of the Bill, which it was believed would meet the views and objects of the tenantry of Ireland. He therefore felt himself in a position to declare to that House what were the grievances of which the Irish people complained, and lay before them in a substantive measure the remedies to which that people looked forward. He was about to propose a Bill avowedly for the protection of the tenant's rights, but he did not wish it to be considered merely as such; for his view was, that no measure ought to be proposed which would not also respect and protect the rights of landlords, of whom he was one. The rights of landlords were at present in a most unsatisfactory state in Ireland; in some parts there was an agrarian combination which put those rights in abeyance; and generally over Ireland a landlord could not feel himself in a position to enforce to the full extent what he might consider his just rights. The reason of this state of things was, that the rights of landlords were not placed upon a just footing; the people felt that injustice was committed towards them by the authority of landlords, and therefore there was a disposition on the part of the people at large to oppose landlords even in their just rights. He (Mr. S. Crawford) wished to secure the landlord's rights by placing them on a just footing. The grievance now complained of was not new. Sir John Davies, writing in the reign of James I., speaking of the condition of the Irish people under English rule, after the Conquest, described the various exactions levied from the tenant at the will of the lord, all which, he said, made the lord an absolute tyrant, and the tenant a very slave :—

> "And in one respect more miserable than bond slaves, for commonly the bond slave is fed by his lord; but here the lord was fed by his bond slave, and this made the land waste and the people idle; and hereupon, of necessity, came depopulation, banishment, and extirpation, and such as remained became idlers and lookers-on; and this oppression did of force and necessity

> make the Irish a craftie people, for such as are oppressed and live in slavery are ever put to their shifts."

Again, he described the absence of all improvements, and asked, "Who would plant or improve, or build upon that land, which a stranger whom he knew not should possess after his death?" The grievances of which the Irish had to complain had been known to the different Governments of England for many years. This question had long occupied the attention of the Legislature; no fewer than ten Committees of that House sat upon the Irish land question between 1810 and 1835; and the Irish Poor Law Commissioners, in their Report in 1835, said—

> "We are satisfied that enactments calculated to promote the improvement of the country, and so to extend the demand for free and profitable labour, should make essential parts of any law for ameliorating the condition of the poor. We see that the labouring class are eager for work; that work there is not for them, and that they are therefore, and not from any fault of their own, in permanent want."

In 1843 Sir Robert Peel appointed a Commisson to inquire into the relations of landlord and tenant in Ireland; and they made a Report, in pursuance of which Lord Stanley, in 1845, by authority of the Government, introduced into the other House a Bill, which, however, never reached the House of Commons. Again, in 1846, the Earl of Lincoln, then Secretary for Ireland, afterwards introduced in the House of Commons a Bill founded upon the report of the Commission, but that Bill was lost by the dissolution of the Government on the retirement of Sir Robert Peel. In 1848 the present Secretary for Ireland (Sir W. Somerville), introduced a Bill, and it was referred to a Select Committee, and afterwards abandoned; and another Bill, which the right hon. Baronet brought in in 1850, was also abandoned. Besides all this, there was the Speech from the Throne in November, 1847, in which Her Majesty

> —"recommended to the consideration of Parliament, measures which, with a due regard to the rights of property, might advance the social condition of the people, and tend to the permanent improvement of that part of the United Kingdom."

Thus the people were naturally led to expect from the Government and Parliament redress of the evils complained of, but they had waited in vain; they had been deluded and deceived, and the hopes excited had never been realised. What could be the consequence but general discontent? Must not all this excite distrust of the Government, and tend to agrarian violence and want of respect for the laws? He (Mr. S. Crawford) admitted the melancholy and grievous state of the north of the province of Leinster, and the adjoining part of Ulster, and it was right and proper that means should be adopted to put the laws in force, and punish offenders: he had no wish to screen them; their violent proceedings did the greatest damage to the cause he had so much at heart, and prevented him advocating it with the effect he could otherwise do. But punishment alone would not cure the evil, or secure the landlord's rights. Coercion and punishment had been repeatedly resorted to; but outrages suppressed in one quarter broke out in another, and all because the relation of landlord and tenant was not on a just and satisfactory footing. The consequence was a disposition to combine against the law. The people had not a proper respect for the law; and where that was so, there could never be peace or security for property; the most barbarous murders were committed in connexion with the occupancy of land. Yet the Irish were naturally a kindhearted people. All the evils existing at the present day in the social relations of Ireland might be traced to the want of security on the part of the tenant. The law gives the landlord the power to dispossess the tenant on six months' notice; and yet by the practice in Ireland the tenant is compelled to make all necessary buildings and improvements. The small holders of Ireland were idle, because they could not be secured for the expenditure of their labour, and the large holders would not employ labourers, because they would have no security for the money they should lay out on the land. The consequence was that there was no improvement in the cultivation of the soil, rents were not paid, arrears accumulated, distraints and ejectments were resorted to, and then came agrarian disturbance. In consequence of the want of security, the landlords were ultimately compelled, in a certain degree in their own defence, to exterminate the people, because the tenants could not pay the rents; and a clause in the Poor Law Act likewise made the landlords responsible for the rates of holders under them. The impulse of the landlord class, accordingly, was to extermination; and the heartrending scenes of which the House had often heard, had made an impression on the minds of the people against the landlords not easily to be removed. The remedy for the evils referred to, he would repeat, was by offering to the tenant security for a return for his labour. What was the cause of the greater prosperity of the north-eastern portion of Ireland, but that there the relation of landlord and tenant was by custom put upon a footing which enabled the tenant to feel secure in making improvements? Sir John Davies, describing the settlement of Ulster in the reign of James I. remarked that the undertakers were bound in their grants to give leases to their tenants for fixed terms at certain rents. The object of the Bill he (Mr. S. Crawford) now asked leave to introduce was twofold: first, to secure and regulate the custom of tenant-right as practised in the province of Ulster; and, secondly, to secure in the parts of Ireland where that system was not applied, compensation to a tenant who made improvements which increased the value of the property—the value of the fee-simple or the rent at which the land would let. The principle of the Government Bills was, that the landlord's consent must be first obtained by the tenant before making the improvements; but such a Bill would not meet the case of Ulster, and was consequently valueless in that province. To show the extent of property involved, he might mention that the area of the Poor Law Union of Newtownards, in which he resided, was 93,000 acres, and the average sum expended by the tenants in improvements was 8*l.* an acre. He was satisfied that some of his own tenants had expended double that sum; but taking an average of 8*l.* an acre, the property of the tenants in that union alone amounted in value to the sum of 744,000*l.* Let them first consider what an immense sum was thus staked on the will of the landlord, and without the security of law. He desired to afford the tenant security for that outlay, and that before he was deprived of possession he should have compensation in proportion to the improvements he had created. His object was to carry into effect the propositions stated by Lord Stanley in his speech in 1846, in which he said that a great portion of the land of Ireland was held by incumbered proprietors, or under strict settlements, and that it was therefore necessary to encourage tenants to make the requisite improvements; and that what he asked Parliament to do was to establish as law in Ireland that which was the custom and law in England; and he said that according to the custom in England the landlord's previous consent was not required. There was a case of "Ludlam *v.* Mousley," reported in the *Jurist* last December, an appeal against a decision of the County Court of Derbyshire. The outgoing tenant claimed, according to the custom of the country, to be repaid by the landlord a portion of the expense of some tile and brick draining done without the landlord's consent or knowledge. The latter insisted that the custom only applied to cases where the landlord's consent had been given; but the jury found otherwise. It was then argued, on the part of the appellant, that the usage was an unreasonable custom; but the Judges dismissed the appeal, finding the landlord liable. He (Mr. S. Crawford) was thus able to show that his proposition, enabling the tenant to claim compensation for improvements that were not consented to by the landlord, was not incompatible with the custom of this country. The Bill which he had to submit to the House, enabling a tenant to claim remuneration for improvements, was not incompatible with the rights of the landlord. In the preamble the reasons were stated for bringing forward the Bill, of which the provisions were included under five different heads, relating to the estimation of improvements of the soil, buildings, &c., by which the fee-simple interest of land was increased, the preventing of evictions without payment to tenants of the value of improvements, and other particulars. The Bill in its leading features was the same as a Bill he had brought forward in a previous year. There were, however, some additional clauses to the Bill, for the purpose of giving temporary protection to the tenant from arbitrary eviction. Those clauses were introduced in obedience to a resolution passed at the meeting to which he had before referred. It was far from his intention to say that the Bill was in a perfect state; and he should be willing to adopt any amendments that might be proposed in accordance with the principle of the Bill, and calculated to facilitate its operation. Where a tenant claimed compensation, it was proposed that each party should name arbitrators; the arbitrators to appoint an umpire; but if they did not appoint one, or no award should be made, the matter to be returned for decision to the assistant barrister in all cases under 100*l.*, and in all cases above 100*l.* to the Judge of Assize. He did not say that such tribunals might be the best; in the Bill which had been introduced by Lord Stanley, it was proposed that a Government Commissioner should be appointed for the purpose of deciding those questions, and it would be for the consideration of the House whether an appointment of that sort should be made, or whether the decision should be left in the hands of the assistant barrister, or Judge of Assize. It was said by some persons that there was no occasion for this Bill, because the country would be regenerated by the sales under the Incumbered Estates Court. A great deal might be done by those sales, but unless they could secure the tenant in the value of the property he had created, those sales would rather be an evil, because the new comers would perhaps pay less respect to the tenant-right than the old ones had done. It was said that this measure was an interference with private rights, but he denied it was so. He maintained that the State had a right to regulate the transactions of landed proprietors in such a manner as the public interest would require. He maintained that the State had, on various occasions, assumed that right. The landlords of Ireland had declared their adhesion to the principle he now contended for, at an important meeting held in Dublin in the year 1847, and which was attended by seventeen Peers and thirty-seven Members of Parliament. The following Resolution was passed:—

> "That in order to encourage the investment of the tenant's own capital upon his land, his right to compensation for permanent improvements should be recognised by law."

He called upon the landlords of Ireland not to draw back from the declaration that they had then made, but honestly to carry it out. Let them reflect upon the emigration that was going on—an emigration that, to a certain degree, he rejoiced at; for he must rejoice at anything that would enable the poor inhabitants of that country to get into a better position. Let them reflect on that emigration, and on the fact that the best blood of the country was going away from it. He should wish by all fair means to stop an emigration of that kind, and it could only be stopped by giving the people who were leaving it compensation for the value of their labour. Let them only think of the immense aggregate sum that was carried away by those people. It was computed that 270,000*l.* had annually left the country within the last few years. He appealed to the Government and to the noble Lord at the head of the Government to permit this Bill to be considered. The noble Lord at the head of the Government had not stated that the Government intended to propose any measure on the subject, and therefore he (Mr. S. Crawford) had the greater claim upon the noble Lord and upon the Government to consider the question. He hoped hon. Members would think that the principle of the Bill should be supported; and as to the details, he was willing that they should be arranged in any manner that would be deemed most advisable. In conclusion, he moved for leave to bring in his Bill.

MR. KEOGH seconded the Motion.

SIR G. GREY said, that the House, having upon several former occasions given leave to the hon. Member to lay upon the table of the House a Bill upon this subject, it was not his wish on the part of the Government to offer any obstruction to the hon. Gentleman taking the same course on the present occasion. But, in stating thus much, he thought it was due to the hon. Member to say that if his Bill were of the same character as that which had been rejected by a large majority on a former occasion, he (Sir G. Grey) could hold out no hope that he would support the second reading. The hon. Gentleman had adverted to the evils, unfortunately too well known, that were connected with the tenure of land in Ireland. The hon. Member had alluded to the insecurity of the tenants for improvements, and to the vast amount of land that was occupied by tenants at will; he also alluded to the vast quantities of land held in very small lots by the tenants of a landlord who, perhaps, owned a large tract of country—to the system of middlemen—all which, he said, led to bad husbandry, great discontent, and other evils with which they were unfortunately too well acquainted. Now, he (Sir G. Grey) must say he thought that the remedy proposed by the hon. Gentleman on former occasions, and which he seemed to be now about to propose again, was wholly inadequate to meet those evils, or remove the causes that had led to them. The hon. Member had spoken of the necessity of enacting a law to allow compensation to tenants for improvements which increased the value of the land, utterly irrespective of the rent which was paid by the tenant for the occupation of the land. If the hon. Gentleman's views were to be carried out, it was clear that in that remedy must be included an arbitrary determination by Parliament of the amount of rent that was to be paid by the tenant to the landlord for the occupation of the land. They had had repeated discussions upon this subject, and various attempts had been made by repeated Governments to deal with it. These circumstances proved the great difficulty—if not impossibility—of legislating effectively upon the question. The hon. Member had alluded but slightly to the crime and outrage that at present prevailed in parts of Ireland. He believed that the combination which at present existed in a portion of Ireland was a combination to effect by force, by terror, and intimidation, not a compensation to the tenant for improvements effected upon the land, but a reduction of rents. Now, he had no hesitation in saying that such a combination must be met by the strong arm of the law. The hon. Gentleman said, that coercion had been asked for merely for the purpose of securing the landlords' rents. Coercion was not sought for such an object. The Government were anxiously endeavouring by the ordinary existing law to put an effectual check upon the progress of the system of terror and intimidation. Whatever might be the assumed rights of the landlord, this system of terror must be met by the strong arm of the law, inasmuch as it is one destructive of the best interests of the country. If, however, the Government were determined to bring the whole weight of the law to bear against the offenders, they were also entitled to claim the co-operation of all those who were really anxious to improve the condition of the occupiers of the land; and that co-operation could only be effectually given by their combined action with Government. Let the rents be fairly assessed, as between landlord and tenant, and the law enforced with justice and firmness. The hon. Gentleman had referred to the proposal in Sir John Davies's time, to fix the amount of land to be held by the tenant, and the amount of rent, to be paid; but was he now prepared to go to that extent? Mere compensation for improvements would not remedy the evils complained of, and the want of such compensation was in many cases not the cause of those evils. In the north of Ireland he was told of an estate belonging to a nobleman upon which there were 3,000 tenants, not one of whom occupied three acres of land. Owing to the failure of the potato crop, not a shilling of rent could be obtained, notwithstanding which the tenants were unwilling to leave the soil upon which they had lived so long; the landlord was expected to forego his rent, and thus it became a matter of life and death between the landlord and the tenantry. Why, it would be infinitely better for these people to work for wages in that part of the country or elsewhere, or to increase the stream of emigration, of which the hon. Gentleman had spoken with satisfaction. He was only anxious to remove any impression which the hon. Member might entertain that by consenting to his introducing his Bill, he looked forward with sanguine expectations to the ultimate adoption of the measure by Parliament, unless there were material alterations made in it.

MR. GRATTAN said, he wished the minds of English Members to be disabused of the impression conveyed by the speech of the right hon. Baronet the Secretary for the Home Department—that the combination existing in the north of Ireland was a combination to lower rents. He could not attribute the attacks on Mr. Chambre or Mr. Bateson to a combination having such an object. It would be much better to state the fact, if it were true, that houses were pulled down over the heads of their occupants, and that men had gone into houses to set fire to them to force the tenants out. He would ask English Gentlemen whether these were English practices? The Government should know the real cause of the disturbances by means of their law officers, and if they did not apply a remedy they should exonerate the character of the people. The hon. Member for Rochdale (Mr. S. Crawford) did not propose to appoint a set of men to fix an arbitrary amount of rent; but he merely proposed to appoint persons who would decide the amount of compensation to which the tenant was entitled for any improvements he might have made. The right hon. Baronet had not referred at all to the case of improvements effected by the tenants. It was unjust that a person should expend large sums of money for the improvement of the estate occupied by him, and be then turned out of possession without compensation. In no case ought the landlord to be exonerated from giving compensation. A great deal of the evil which existed in Ireland arose from absenteeism. He knew of a property which was worth

24,500*l.* actually sold for 14,000*l.*; and why? Because it was overrun by a population of idle people. But who was the proprietor of that property? An Englishman, who lived away, and never discharged the duties of a landlord. With respect to the case of the 3,000 individuals in the north of Ireland who had not paid any rent for the last three years, what was the fact? They were small tenants on the Bath estate, which was worth 42,000*l.* a year, but one of the proprietors of which had never been in Ireland. The tenants occupied not more than two or three acres of silicious soil, out of which they got what they could, and, notwithstanding all the praise which had been bestowed by the right hon. Baronet on absentee proprietors, those poor creatures were in a state of abject misery. The result of the absenteeism of English proprietors was seen in that instance, where in a series of years an able, active, and an intelligent body of men had been reduced to the condition mentioned by the right hon. Gentleman. Much had been said about getting rid of the Irish from the land, but there never was a greater mistake. Those whom they should rid the country of were the English absentee landlords. Let them send away the Duke of Devonshire, the Duke of Buckingham, Earl Fitzwilliam, the Marquess of Lansdowne, and Lord Palmerston, and sell their lands to those who would reside, and let Ireland be left free to manage her own affairs. Let them apply to those absentees what Bonaparte said to the late Duke of Richmond when he claimed the territory of Aubigné, "He may have it if he lives on it." He would have all those noble absentees put up to auction. There would be sense in that; but there was a fatal error in exporting ablebodied Irishmen to the shores of America. The evils of absenteeism were most grievous, and many cases of the greatest distress had come under his own immediate observation, arising entirely from the neglect on the part of English proprietors of Irish estates to discharge the duties that it was incumbent on them to perform. When Irish proprietors were reproached as being bad landlords, and when letters were written by a Secretary of State to a journal which had maligned, vilified, and abused every man connected with Ireland in terms of the greatest laudation, it was time that the Irish landlords should come forth and vindicate themselves against those foul aspersions. He would contrast the condition of the estates of English absentee landlords with that of the estates of resident Irish landlords, with the view of showing that while the latter were effectually protected against agrarian outrage, the former were constantly suffering from that species of lawless violence. A vulgar idea prevailed that Irish landlords were solely actuated by a desire to get money from their tenants. So far from that was the case, that he knew of instances where landlords in this country had resorted to measures to get rents which no Irish landlord would ever think of adopting. The Irish people entertained the opinion that it was the object of the Government to get rid of them and make them quit their own country, whether they would or no. It was believed that the Government thought if they could get rid of the Irish proprietors, Ireland would then become tranquil, and submit to the complete control of this country. But there never was a greater mistake. While, through the Encumbered Estates Bill, they were introducing a new set of proprietors of Irish property, the Secretary of State for the Home Department declined to require from those new proprietors any compensation to the tenants who had previously improved those estates, or any fixed rent for the future. What was the working of that Encumbered Estates Act? It was to remove the present race of Irish landlords; and to substitute whom? Tobacconists, shoemakers, and shopkeepers; men without education, without manners, without influence over the people. There never was a worse plan, or one better calculated to bring on a revolution in that country, than to get rid of the resident Irish proprietors, and to substitute for them absentee landlords, or poor landlords, who could become such merely by virtue of having some 3,000*l.* or 4,000*l.* at their command, but who could not assist their tenants. While this House was debating and disputing, the Irish people were dying, or were carrying with them to America the hostility which they had towards England, and to nurse feelings of vengeance which they would wreak on a future day. The Bill of his hon. Friend to adjust the relations existing between landlord and tenant was, in many points, a reasonable and a proper one; and he called upon the Government to admit the principle, which was one of justice and one of peace. If they lost the present opportunity, they would leave a wound rankling in the hearts of the Irish nation (for, notwithstanding all the efforts of the Government, they had not yet lost the Irish heart), which the Ministry would have cause to regret to the last moment of their lives. They might yet want all the men whom their harsh and unjust legislation was banishing to another clime. If a foreign army were to land in Ireland they might at present walk for miles and miles without encountering any opposition, for the entire country, especially Mayo and the west, was depopulated; and one of his tenants had stated to him that he had walked a short time since a distance of sixteen miles, not only without seeing either man, woman, or child, but neither dog, cow, nor horse. Was it not a shame—though most of the hon. Gentlemen opposite were smiling—was it not shameful that the wisdom and intelligence of the English Legislature had placed the Irish nation in such a state as this?

MR. HUME said, he had listened with great regret to the charges which the hon. Gentleman (Mr. Grattan) had brought against the Government and against the occupants of the benches on that (the Ministerial) side of the House. He (Mr. Hume) did not see the justice of the accusations; and he certainly did not see the advantages of them. The House would be glad to hear the hon. Gentleman if, instead of urging these charges, he would tell the House what this Motion really meant. Surely there were hon. Members present who were capable of explaining to the House what it was the Irish people wanted, and what it was the landlords objected to. Let the House understand what was really the feeling upon the subject, and not run into matters which did not relate to it in any degree. There was no doubt that this question was of the greatest importance, and excited the utmost interest in Ireland. There had been numerous meetings respecting what was called tenant-right in Ireland, and he had read the reports of these meetings. He had, however, noticed that the discussions in Ireland had been of a very one-sided character. There had been an assertion, not an argument, in this matter; and even the Irish Members who had spoken had not stated at all definitely the principles upon which tenant-right rested. The House of Commons was, however, the fitting arena for temperate discussion; and he hoped that, on this occasion, hon. Gentlemen representing Irish constituencies would enter upon this discussion temperately and in a candid spirit. Ireland had long been in a most unfortunate condition, and mainly in consequence of the misrule of the Government. He had been in hopes matters were getting better; and he was not satisfied that there had not been some improvement. The hon. Member (Mr. Grattan) made some most absurd complaints. The hon. Member saw an evil in that result of the operations of the Incumbered Estates Court, which introduced into the class of landed proprietors persons who had been connected with trade, and who had originally had nothing to do with land. But in his (Mr. Hume's) opinion, if there was anything calculated to regenerate Ireland, it was the introduction of capitalists to manage the land. The hon. Member also deplored the emigration that was going on. But he (Mr. Hume) could not see anything but good in the departure of persons who, if they remained in Ireland, could find no work; and it was for their own benefit that they should endeavour to find work elsewhere. As regarded this Bill, he could not approve of it, so far as he at present understood it. He gave the hon. Member for Rochdale (Mr. S. Crawford) every credit for the most humane desire to serve his countrymen. But the principle of tenant-right, as expounded by the hon. Member, was, in his (Mr. Hume's) opinion, nothing less than the principle of communism. It was a principle which implied spoliation, and would lead to the robbery of all property. He would, however, be glad to hear further from the Gentlemen from Ireland their views upon the question. He was anxious for a full and fair discussion, in order that the House might understand better the exact character of the remedy proposed in this Bill. He had very decided convictions on the point. He was satisfied that the very moment they destroyed property they destroyed society. He objected to the Bill for other reasons. He could not see the wisdom of proposing a uniform system for all Ireland. They had no uniform system for England, nor would a uniform system work in England. They had one system of tenure in Norfolk, and another system in Cumberland; and there should be no arbitrary uniformity in any country. They must trust in Ireland to private bargaining; and the only practicable tenant-right would be in passing laws to remove every impediment which precluded fair and equal dealing between landlord and tenant. But the question had been very imperfectly explained, and he trusted that they would hear something more explicit and explanatory from hon. Gentlemen connected with Ireland than what had been afforded by the hon. Member for Meath (Mr. Grattan) that evening.

Mr. ROCHE said, that whatever had been the information that had resulted or would result from the present discussion, Her Majesty's Government, at all events, had done very little to elucidate this difficult question. The greatest misfortune which could befall a country was, that it should find itself with a Government who in times of danger or difficulty were either unable or unwilling to govern it rightly; and, judging from the speech of the right hon. Baronet the Secretary of State for Ireland, that country was in such a position. Nothing was more futile than for that right hon. Gentleman to say he would meet the present difficulties of Ireland by that old system of coercion, by that vain attempt at what he called strengthening the law there, or by an alteration in the jury system. By anything so shallow as this, the unhappy state of Ireland could never be settled; and his hon. Friend who had just spoken, had acted much more fairly and candidly, not only with the House but with the country, in calling upon those Irish Members who defended tenant-right to come forward. He (Mr. Roche) was not prepared to approve altogether of the Bill of the hon. Member for Rochdale; but he did not hesitate, for one, to say that many things might be done in Ireland to settle to a certain extent the unhappy relations between landlord and tenant. In dealing with this question they had first to consider what were the relations of landlords and tenants. These relations were the relations of debtor and creditor, and nothing else. Landlord and tenant ought to deal with one another, and to be dealt with, as debtor and creditor; and the question was, why were not debtors and creditors in connection with land subject to the same laws as ordinary debtors and creditors? The ordinary debtor and creditor law was on a most satisfactory footing. The special debtor and creditor law, in respect to landlord and tenants, was on a most unsatisfactory footing. The result was the evil which they saw in the present condition of Ireland. Whoever heard of paying butchers' bills or bakers' bills with bullet? Yet the agrarian outrages and murders in Ireland were the direct consequences of the system prevailing in regard to the holding land. These relations, within the cognisance of the Government, were disgraceful to the Government. Was the law as between landlord and tenant administered in the same just and and fair spirit as between other debtors and creditors? No; the law on the subject of land was tyrannical, unjust, and unfair. The first great difference was in the law of distress, which allowed a landlord to obtain his rent by most tyrannical means, and put into his hands a power which no one man ought to be allowed to exercise over another. At present rents in Ireland were far too high, and there was a most iniquitous system of rackrent. Now, if the system of distraint were abolished, rackrents would be rendered almost impossible, for if the landlord was obliged to sue for those rents in the same way as a baker or butcher was obliged to sue, he would not run the risk of letting his land at such high rates. Letting the land over its value, the landlord knew that he would not be able to recover the rent through the ordinary means; and hence the laws which had been passed to secure his artificial rights. Long arrears were a result of the rackrent system, and the tenant who had long arrears hanging over his head could not be otherwise than a dispirited and unenergetic man. No one would maintain those arrears unless he had a reasonable expectation of getting them; and if the law of distraint were removed, those arrears would become speculative, and would be therefore abandoned. Again, Ireland never could be improved unless the occupying tenants had a more commercial spirit than they possessed at present. They must become more industrious, and that spirit must be met by facilities for commercial credit. Now under the present system of distraint, nobody thought of lending money upon his bill to an occupying tenant, because no one knew, with the exception of the landlord, how the occupier stood in a pecuniary point of view. The consequence was that the tenant-farmers of Ireland were a class of men who, commercially speaking, had no credit at all, and without that credit they could never be prosperous. Let hon. Gentlemen consider what a degrading influence the law of distraint exercised. How could any man entertain a feeling of self-respect when it might be in the power of the landlord, by a single scratch of his pen, to take everything he possessed, not perhaps, in satisfaction of his own debt, but of that of his predecessor on the farm? He believed, then, that if the law of landlord and tenant were assimilated to that existing between other debtors and creditors, a great deal might be done to place the relations of landlord and tenant on a safe and satisfactory footing. It was not a very inviting thing for an independent Member, as he believed he might be termed, to be called on to discuss a subject so difficult as this when Her Majesty's Government set so many bad examples. Governments might make the mistake of doing nothing: which Her Majesty's Ministers were often guilty of with regard to Ireland, or that of which they were guilty still more often—of doing the wrong thing. The Prime Minister, in 1850, put into Her Majesty's mouth an admission that the state of landlord and tenant in Ireland was unsatisfactory and ought to be discussed; but the Government had not acted on that admission. Last year, to be sure, the right hon. Gentleman the Secretary for Ireland, in a great bustle, as if he was going to settle the whole business, brought in a Bill, which was allowed to hang up all the Session, till it fell in "the slaughter of the innocents" at the close of Parliament. If Ireland followed the example of the right hon. Gentleman, she would be very tranquil indeed; but the activity which he had exhibited on that occasion was only the greater contrast to his present neglect. As the representative for fifteen years of the largest agricultural constituency in Ireland, he called on the Government to let them know the worst or know the best—to say they were going to do nothing, or what they were going to do. They had intimated they would not allow this Bill to go beyond a certain stage. What, then, had they got ready on this most important subject? They had refused to state their intentions on this occasion. They felt, and had admitted, their responsibility; but they were trotting off from their responsibility in such a speech as the House had had that night from the right hon. Baronet the Secretary for the Home Department. Her Majesty's Government were trifling with this question. The state of Ireland was disgraceful and shocking. The population was diminishing at a fearful state. In 1851, 250,000 of the people of Ireland landed at New York. This was at one port: they could not guess at the numbers who had shipped themselves to the ports of our own American colonies. In a very few years, if this went on, Ireland would be a desert. They would make a desert: and they would call the desolation peace. But those who were left were not bettered by the emigration. They could not put their hands upon any one class in Ireland, and say, that that class was prospering. The commercial class was in a very bad condition. The landed proprietary were by no means in an enviable position. The occupying farmers were even worse off. The fund for the employment of labour had been so diminished that one half of the labour remaining in Ireland was unemployed. Horrible and shocking murders were of frequent occurrence, and in all classes of the community there was suffering and depression. They had heard something of the Tenant League that night. This was a body composed of Presbyterian and Roman Catholic clergymen—men well qualified from their position and calling to judge rightly. These gentlemen were of opinion that much of this ruin, that all the insecurity of life and property, were the consequences of the unsatisfactory state of the relations subsisting between landlords and tenants. The Government were therefore bound not to deny their allegations without very deep consideration. Yet Her Majesty's Government might prove that the Tenant League were wrong; but let them not treat it with perfect indifference. If the Government felt themselves unequal to dealing with the difficulty, let them say so; but let them not, on admitting their own incapacity, at the same time declare that nothing shall be done by others. The conduct of the Government was expressly calculated to provoke and foment agitation. Agitation was injurious *per se* — was destructive to the commercial well-being of Ireland; but agitation was the only resource of a country when its affairs were inefficiently conducted by its Government.

MR. MOORE would act upon the suggestion of the hon. Member for Montrose (Mr. Hume), and would endeavour, categorically, and in as few words as possible, to state to the House what was the evil of which the bulk of the population of Ireland complained. And inasmuch as the Bill of the hon. Member for Rochdale (Mr. S. Crawford) was not before the House, he (Mr. Moore) would confine himself strictly to the relation of the wrong, and would not enter at all into the remedy. And to confine himself still more carefully within the sphere of his own experience and observation, he would limit himself to the state of the case in that province and in that county in which he resided, and which he had the honour to represent. About 200 years ago the English people drove the whole Catholic people of Ireland from every other part of Ireland into Connaught, giving them the other alternative of "Hell," which, however, they did not choose to adopt. Since that time the possessors of the soil of that country had scarcely reclaimed an acre of the wilderness to which the people of Ireland had been driven. They had scarcely built a farm-house; they had scarcely constructed a farm-yard; they had scarcely made a fence; they had scarcely dug a drain. The old population, driven by the English conquerors into that country, had, by the sweat of their own brow, by the toil of their own hands, reclaimed a howling wilderness into a fertile land. And since that time, year after year, generation after generation, the landlords had grasped and confiscated the property which the tenant had created; thus generation after generation driving him further into the wilderness, again to dig, again to fertilise, and again to be confiscated. Was not that a great moral wrong? The object sought was to make that moral wrong a legal wrong; or rather to prevent that moral wrong by the creation of a great legal right, by obtaining for the tenant that property which his own toil had created. The question whether the Bill of the hon. Member for Rochdale would effect the purpose, would be a matter for further consideration. But he (Mr. Moore) was quite sure that every reasonable and feeling man in that House would be most anxious to give any measure introduced for so humane, and good, and just an object, the most impartial consideration. If any particle of partiality was admitted into their minds, it would, he hoped, be in favour of the weak and oppressed — those against whom they had for so many years been legislating.

Sir JOHN YOUNG observed that, as he understood the proposition of the hon. Member, he would vest in the landlords now just so much property as they had when Ireland was desolate and waste 300 years ago.

Mr. MOORE explained: He did not claim for the tenant restitution of any wrong committed, but that the wrong should not be allowed in future.

Sir JOHN YOUNG continued: The only view he had in making a reference to the hon. Gentleman's argument was to repudiate the exaggerated views he had advanced. As to the Bill before them, whether from the shape of the House, from Dr. Reid, or from the low tone in which the hon. Member spoke, he confessed he had only heard one observation of the speech of the hon. Gentleman who moved its introduction. The first part of the hon. Gentleman's Motion was a mere delusion, for it was quite impossible to deal with such a subject by legislation; but Government had not done very wisely in their present conduct, after the course they had taken in former years. For the Mover and for his motives he wished to speak with every respect; but he must say that, from the way in which the hon. Member approached the question, he (Sir J. Young) was hopeless of any solution to it being derived from its means. His Bill would, in effect, transfer from the landlord to the tenant a portion of the property of the land, and it would, like every other Bill on this subject, do more than the Mover proposed to effect. But he was at the same time prepared to admit that the principle of compensation to the improving tenant was one deserving of the greatest consideration; and that the more it was discussed the greater was the chance of its solution and the light that would be thrown upon it. The hon. Member represented the tenant-right of Ulster as a benefit, in the abstract, to the tenant, and as one of the causes of the tranquillity of Ulster. He was prepared to deny both these assertions, and, as one on whose property in Ulster the custom flourished in full luxuriance, he asserted it was an evil to the tenant. Take the case of a tenant leaving a farm let at a high rent. The incoming tenant gave so much money to the man that was leaving; but, if he did so, he lost just so much money—the use of it was entirely lost to the land, and the owner was not only deprived of the principal but of the interest. He would never get one farthing of that money back so long as he worked the farm; but so soon as he was insolvent, and was obliged to leave and go to America and elsewhere, he would receive a proportion of the sum he had paid on entering. Then, when he fell into difficulties, down came the landlord and deducted the arrears, so that the custom was not good for the tenant, but for the inconsiderate, rack-renting landlord, who let his land so high the tenant could not live on it. It might be asked, why the custom prevailed in

Ulster? In the first place, the competition for property was greater there than elsewhere; in the second place, the persons who had settled in the north of Ireland in the fifteenth and sixteenth centuries had introduced the culture of flax and the manufacture of linen, which enabled them to get money which they advanced on the land; and the real secret of the tenant-right was, that the people in the north were constantly making small sums of money which they wished to invest in the land. To extend this practice, instead of being a benefit, would be a mischief to the agriculture and people of Ireland; but that was a perfectly different question from considering the law of landlord and tenant in Ireland. No one was more anxious to have the law remedied; but what he wished was that some learned Gentleman should propose a measure that would give them a firm basis on which to proceed in future. As to the argument of the hon. Member, that tenant-right secured the tranquillity of Ulster, he might as well say that the tranquillity of Scotland was secured 100 years ago by the payment of blackmail. No doubt those who paid it were, in a sense, secured from having their cattle swept off; but would the hon. Member bring in a Bill to perpetuate such a custom? By the present system, the tenant obtained, by the payment of a heavy fine, that protection which the law ought to afford him gratuitously. At present the law did not beget such confidence in the mind of the tenant as to induce him to lay out his money in the improvement of his farm, and this was a state of things that imperatively demanded a remedy.

Mr. SADLEIR considered that the hon. Baronet who had just addressed the House misunderstood the nature of the Bill which it was proposed to introduce. He (Mr. Sadleir) did not think, under the provisions of the Bill, there would be any encouragement to an indolent or ill-conducted tenant. The hon. Baronet had shown, in the county with which he was connected, what he considered the vicious working of the Tenant Right. He had put the case of a tenant who, by the sale of his goodwill in his holding, obtained the means of paying his arrears, with sufficient also to enable him to emigrate to America. There was another view, however, of the question—another case which was of frequent occurrence in many parts of Ireland—under the Encumbered Estates Act. It was this: A tenant from year to year holds a highly improved farm; he has expended considerable sums of money, he has drained it, erected farm buildings upon it, and rendered it exceedingly valuable. The estate is put up for sale by the Commissioners, and is sold under the provisions of the Incumbered Estates Act. The tenant is described as from year to year. The new proprietor enters into possession; he serves notice to quit upon the tenant, and possesses himself of all the farm buildings and works, the fruits of the improvements and industry of the yearly tenant occupier. This was a case of great hardship, and he regretted to say that such instances were not singular. They were many. The new owner had the advantage of the industry, and he might perhaps say of the rashness, of the tenant and, as long as the law remained as it was, the tenant from year to year had no security that the value of his improvements would be secured to him. He had never concealed from the Tenant League his conviction, that the proposed Bill fell far short of those legal reforms essential to a sound state of things between landlord and tenant. But he thought that if the principle reflected in the Bill were adopted by the Legislature, it would be an essential improvement on the present state of things. The right hon. Gentleman the Home Secretary plainly intimated that it was the intention of the Government to oppose this Bill; was it possible then, that they meant to content themselves with doing nothing upon this question, which was of such vital importance to the people of Ireland? He appealed to the Government to state their intentions. If they intended to reject this Bill, they ought to do so at once; its continuance on the paper fostered the intense excitement which existed, and would have the most mischievous effects in Ireland; it would tend to increase agrarian crime and outrage. Was it possible, after the various declarations made by Her Majesty's Government when in opposition, and even since they obtained office—after the statements put into the mouth of the Queen in speeches from the Throne, that they were about to allow another Session to pass over without introducing some one of those measures which Session after Session they had admitted to be essential to the improvement of land tenure in Ireland?

He was astonished to hear the hon. Member for Montrose (Mr. Hume) ask for a statement of the evils arising out of the land system. Why, they had blue books upon blue books in their libraries, which contained the fullest information upon the subject. It was the duty of the Government to propose a remedy. It was the duty of the law officers of the Crown in Ireland to introduce those measures which were essential to the reformation of the laws of real property in that country. The practice existing in Ireland was very different from that existing in England. In the former country it is the tenant occupier who risks his money and means, and incurs all the expense, anxiety, and inconvenience of making permanent improvements. This state of things creates in the breasts of the people a passion for the land they have so improved, and creates the notion that the tenant is really a partner in the proprietorship of the land. But the tenant has no security that he may not be turned out to-morrow, and lose all the benefit of his exertions. It is therefore very desirable that some alteration should take place which would leave unchecked the enterprise and industry of the tenant occupier who has the spirit to make those improvements which his landlord is unwilling to undertake. When in a former Session this subject was debated in that House, the right hon. Baronet the Home Secretary said it was not an Act of Parliament the people of Ireland required; it was a class of landlords, who, like the hon. Member for Queen's County, would undertake, as he had done in a notice to his tenantry, to be responsible for all improvements they should make. He (Mr. Sadleir) upon that occasion took the liberty of reminding the right hon. Baronet (Sir G. Grey) that there would be little need for legislation if they could create in Ireland a race of landlords like the hon. Gentleman the Member for Queen's County. But is it a sound state of law that the tenant should have no security? Is it to be supposed that a prudent tenant-farmer will occupy land in Ireland in the serfish position of a tenant from year to year? He knew that in this country tenants from year to year felt themselves safe, but such was not the case in Ireland. Such was the confusion and complexity of the law of real property in that country, that landlords who believed themselves competent to make leases, and had accordingly granted them, found, when some questions arose, that those leases were utterly invalid. Well, then, before the discussion closes, for the peace of Ireland, and for the sake of those who have purchased land in that country, and for the sake of the Irish tenantry, let us hear that Her Majesty's Government will, in the present Session of Parliament, introduce some measures by which the law of real property will be rendered safe, and the relations of landlord and tenant placed on a more satisfactory basis.

Mr. BERNAL OSBORNE said, if there was one reason more pressing than another which should induce Government to legislate on this subject, he thought it was that by so doing they would, at the approaching election, take away one of those popular claptraps which were the means of introducing into that House Members who had very little practical knowledge of the working of the law of landlord and tenant, who held language out of that House most advantageous to the tenant, and who in that House supported Bills which were of a character the House could not agree to. Therefore he joined with the hon. Member for Mayo (Mr. Moore), and the hon. Member for Cork (Mr. Roche), in urging the Government to do something in this matter. But he must say it was not very encouraging to the Government to hear the very few suggestions thrown out. The hon. Member for Cork, notwithstanding his practical knowledge and the good sense he always displays, only recommends an alteration in the law of distress. If he was correctly informed, the evils inflicted by the law of distress were not confined to Ireland, and the arguments he used were just as applicable to the whole of the United Kingdom. In Scotland, for instance, a distraint can even reach the crop after it has been converted into flour, and is on the road to the market. Another hon. Member complained of the large stream of emigration which was constantly draining the country. He thought emigration was natural to the distresses under which the country laboured; but, as regarded the south of Ireland, he believed that it was slowly emerging from the effects of the storm of agitation which passed over it. The hon. Member for Mayo described the calamities of the country 200 years back; and what remedy did he propose? None at all. Then came the hon. Member for Carlow (Mr. Sadleir), than whom no one knew better the real evils connected with Ireland, and there were few Gentlemen into whose hands he would rather entrust the drawing up a Bill on the subject; but the hon. Gentleman gave them little assistance on the subject, and he carefully guarded himself from the view taken by the hon. Member for Rochdale (Mr. S. Crawford). Now, the measure proposed by the hon. Member for Carlow, namely, a Bill for giving compensation for improvements, is the only way of dealing with the question in which an honest man can deal with it. If encouragement were given to these Presbyterian agitators to neglect their duties in the north, to carry the flame of agitation over the country, the most mischievous results would ensue. Nothing would content these gentlemen but to make the landlord a copyholder. He considered that there were a few honest men among them, but there were only a few. People did not wish to say these things in Ireland, or to speak their minds. Men had often their eye upon the representation of their county or a neighbouring borough; but as he had not his eye upon his native county, he would speak out, and he would studiously disconnect himself from identification with the provisions of the Bill of the hon. Member for Rochdale, whom he nevertheless regarded as an honest man. The hon. Member had been invited to a dinner, and came into his (Mr. Osborne's) neighbourhood, but he got into very bad company. He came with those Presbyterian ministers who were preaching doctrines of spoliation. They had been accustomed to deprecate the language used by the Catholic clergy; but he never heard or read of language from any member of that body equally inflammatory to that used by these itinerant agitators. And he shrewdly suspected that the disturbed state of the north of Ireland, disgraced as it was by crime and agrarian outrage, arose very much from the language and conduct of these Presbyterian agitators. He did not hear the whole of the statements of the hon. Gentleman (Mr. S. Crawford); but if his notions on tenant-right were such as were attributed to him in the papers which supported his opinions, the House of Commons would never sanction them, as long as they lived under the dominion of their present constitution, and were opposed to those communistic theories which had found advocates amongst the French people. In truth, the arguments put forward by the hon. Member, much resembled in practice the maxim of M. Proudhon, *La propriété c'est le vol.* Was it not a fact that in Ireland landlords considered themselves very lucky if they got only a fourth part of their income, and they often, to obtain that, had to forgive a whole year's rent? Let them have a sensible Bill, such as, he believed, the hon. Member for Manchester (Mr. Bright) had then in his pocket. He called on him to produce it. He had devoted great attention and much labour to the subject, and his great ability and practical knowledge well calculated him to deal with it. Being himself in favour of a judicious alteration in the law, he thought it was incumbent on Her Majesty's Government to say how far they were prepared to go, and not to give an encouragement to agitators to hold out delusive hopes.

Lord JOHN RUSSELL: Sir, as the Government have been appealed to, I will state generally the course they have pursued on this subject. We found when we came into office that Bills upon this subject had been introduced, and we took those Bills for the foundations of the measures we proposed. In more than one Session of Parliament the Chief Secretary for Ireland introduced Bills on this subject, one of which was sent into a Committee. The hon. and learned Gentleman opposite (Mr. Keogh), and the hon. Member for Carlow (Mr. Sadleir), served upon that Committee, as did many other Irish Members of great knowledge and experience. My right hon. Friend the Chief Secretary gave very considerable time and attention to its proceedings; and, with no very ambitious hopes, he bestowed great labour upon it. I was kept informed of the results, and I was told that after many meetings there was an agreement among the Members of the Committee as to what clauses should be adopted and amended. That Bill rather came under the designation of what might be called a sensible Bill; but it did not follow because the Bill was a sensible Bill, that it would be acceptable or give satisfaction to people in Ireland. We were informed that the Bill would be the text-book for agitators: that it was said, "Look at the clauses of this Bill, see how the tenant is robbed, see how injustice is perpetrated. This is the Bill of the Government, and you may see how much they wish to oppress the people of Ireland." That was the sort of language used towards a sensible Bill. A great flame having been raised upon this subject, I had an interview with some of the Gentlemen who put forward the rights of the tenant, and took views opposed to the Bill. I went through its provisions. It was quite clear that the clauses did not effect the objects they had in view, and it was equally clear that the first thing they would do would be to collect meetings all over the country and agitate it, and so far from settling the question, or giving satisfaction, the Bill would be regarded as a fresh outrage upon Ireland. It does not follow, however, that it was not a very sensible Bill, because the propositions of its opponents were inconsistent with the rights of property. The hon. Member for Cavan (Sir J. Young) has told us what his views of the question are, and has shown us the working of this tenant-right in the north of Ireland. Now, I very much agree with him. But one of the propositions which found most favour with the Gentlemen who waited upon me was, that a legislative sanction should be given to a custom which had no foundation in law, being merely a matter of arrangement between landlords and tenants. In short, what they proposed amounted to nothing less than taking a portion of the landlords' property, and transferring it to other persons. You may say that many of these tenants had improved their land, and there are certain tenants to whom that description might be applicable; but this wholesale law was to give to the idle and improvident man, who had not paid his rent for years, those advantages to which in equity and justice he had no right whatever. When I saw these claims and these views so strongly urged, it became quite clear to me that no law which we could introduce would be satisfactory, but would rather be the foundation of a mischievous agitation. The hon. Member for Manchester (Mr. Bright) was good enough to send to me some propositions which his experience in Ireland prompted him to make. I read them attentively, and I sent them over to Ireland. They there underwent very much consideration from the Members of the Privy Council, the Irish Government, and the law officers of the Crown. They, however, came, after much deliberation, to the opinion that those propositions in the shape of a legislative enactment would not be conducive to a better relation between landlords and tenants. Under these circumstances it was impossible for me to bring them forward. Well, then, I came to the conclusion which I stated last year, that in the then temper of Ireland, and considering the objections which had been made to every measure proposed, there would be no advantage in introducing measures into this House or of pressing them to a conclusion since they would only occasion disappointment, and furnish a source for fresh agitation. The question itself, when you come to legislate upon it, is one of infinite difficulty. The hon. Member for Carlow (Mr. Sadleir) wishes by legislation to produce a feeling of confidence between the tenant and the landlord. I do not think that confidence can be the creation of an Act of Parliament. It must arise from the state of society—from the good feeling of the tenant, and the sense of justice in the landlord—from the desire of improvement, and the desire to reward it—from the feeling upon the part of the tenant that he will be treated with fairness, if he improves his holding, and pays what is justly due to his landlord.

Mr. SADLEIR said, the noble Lord had misunderstood him. It never entered into his imagination that confidence between landlord and tenant could be established by legislation.

Lord JOHN RUSSELL: I understood the hon. Gentleman otherwise. You cannot by law produce that confidence which ought to exist between landlord and tenant. Look at the case of many estates in England, where there are no leases, but where the landlord and tenant conjointly erect farm buildings of great value, and where perfect confidence exists on both sides. The tenant feels that his landlord will not deprive him of the advantages to which he is justly entitled. Look at the cases more general in Scotland where the lease is more in the nature of a commercial transaction. The tenant has his lease for nineteen or twenty-one years, and he makes his calculation whether he will reap the benefit of any improvements, and he makes them or not accordingly. In both these cases the two parties are satisfied in the trustworthiness of the other. But if you have no such feeling—if you have no such confidence—I will defy any Government or any law to bestow it by an Act of Parliament. Well, then, if you come forward and say farm buildings are an improvement, and it is the custom, if the tenant makes improvements, that the landlord should pay for them, willing or not, I ask, is the landlord to have no voice in the matter? If he is not, let us suppose a case of a landlord who has five farms of ten acres each: he may wish to consolidate these into one farm of fifty acres; and is he to pay for the erection of buildings which, so far from being useful, must only be pulled down? There are thousands of such like difficulties attending all legislation upon this subject. And when you put the two parties to fight and contend on the precise words of an Act of Parliament, where litigation is a sort of pastime, as it is to the people of Ireland, one party will insist that the words are in his favour, while the contrary will be maintained by the other, and you will have constant suits going on as to who has right upon his side. It would cause tenants, instead of improving their land, to embark in continual suits against their landlord. In this state of things I declared, at the end of the last Session of Parliament, that we were not disposed to introduce a Bill upon the subject. It is now said that you should not allow the hon. Gentleman (Mr. S. Crawford) to bring in his Bill, and this is urged by those who declare that they could not make out the nature of the propositions which it is to contain. What would be said out of doors if we adopted such a resolution? Not only do the Government refuse to introduce such a Bill themselves, but they will not even allow the introduction of a Bill, and they exclude it without knowing what are its provisions. Let us see the hon. Gentleman's Bill. I do not expect, any more than my right hon. Friend (Sir G. Grey), that the hon. Member's Bill will be a good one; but it is impossible for me to say that it will not contain clauses which may be of great use, as the foundation of some Bill hereafter. This much, however, I cannot agree to—the establishment of tenant-right throughout Ireland. Such an institution established by law would be injurious to the country. Any Bill upon this subject, to effect good, must be of the most temperate character.

MR. KEOGH did not intend to address the House upon the present occasion, as he thought there would be many opportunities for discussing the measure, more especially as he learned that the Government would not oppose the introduction of the Bill. But as the debate had proceeded so far, and as they had been invited to discuss the principle of the Bill, he would state his views of its object and its scope. He thought the House, after hearing the extraordinary statement made by the noble Lord at the head of the Government must be of opinion that the charge of toying and coquetting with this important question, which the hon. Member for Middlesex (Mr. B. Osborne) had preferred against some Members, was much more applicable to Her Majesty's Government. The Prime Minister had candidly acknowledged that he intended to allow the hon. Member for Rochdale to introduce his Bill, lest, by opposing it, something might be said in Ireland prejudicial to his Government. The noble Lord said he had frequently attempted to legislate on the subject, but he had now dropped it altogether, because he was indisposed to encourage agitation. He apprehended if, in the year 1852, that was a valid and conclusive reason for the non-introduction of a measure, and the abandonment of a policy after being pursued for years by the present Government, at all events it was a much stronger ground for not introducing this subject at a time when great agitation existed in Ireland on the subject. He (Mr. Keogh) could not forget the course pursued by the First Minister of the Crown in the year 1846, when crime and outrage prevailed in Ireland to an extent far greater over the whole country than existed now in any particular district. In that year, when a measure was introduced by the Government to which the noble Lord was then opposed, for the suppression of crime and outrage, the present Secretary for Ireland proposed that that Bill should not be proceeded with, and assigned as a reason, which was adopted by the noble Lord himself, that remedial measures, more especially one relating to landlord and tenant, ought first to be tried. Who was toying and coquetting with the question then? The question before the House was a Bill for the protection of life in Ireland. It was admitted that throughout the length and breadth of that unfortunate country life was not safe, and property was not protected. The noble Lord, on the 15th of June, 1846, addressed these observations to the House:—

> "However ignorant many of us may be of the state of Ireland, we have here the best evidence that can be procured, the evidence of persons best acquainted with that country—of magistrates for many years, of farmers, of those who have been employed by the Crown—and all tell you that the possession of land is that which makes the difference between existing and starving amongst the

peasantry, and that therefore ejections out of their holdings are the cause of violence and crime in Ireland. In fact it is no other than the cause which the great master of human nature describes, when he makes a tempter suggest it as a reason to violate the law:—

> " ' Famine is in thy cheeks,
> Need and oppression starveth in thine eyes,
> Upon thy back hangs ragged misery.
> The world is not thy friend, nor the world's law;
> The world affords no law to make thee rich:
> Then be not poor, but break it.'

Such is the incentive which is given to the poor Irish peasant to break the law, which he considers deprives him of the means of obtaining a subsistence. On this ground I say, then, if you were right to introduce any measure to repress crime beyond the ordinary powers of the law, it would have been right at the same time to introduce other measures by which the means of subsistence might be increased, and by which the land, upon which alone the Irish peasant subsists, might be brought more within his reach, and other mode of occupation allowed to him more than he now possesses." [3 *Hansard*, lxxxviii. 507.]

The noble Lord disliked agitation on this subject now; but when he was in opposition he did not allow the fear of exciting agitation to prevent him from making a declaration so eminently calculated to excite the hopes of the Irish people. The case did not rest here. When the noble Lord came into office, year after year he laid on the table of the House a Bill regulating, or purporting to regulate, the relations between landlord and tenant. That Bill was thrown on the table with the view of something being said about it in Ireland—not with the view of putting down agitation, not with the view of preventing hopes being excited, but with the view of keeping up a mock popularity; and now that the noble Lord saw he could no longer command that popularity, he found it convenient to withdraw the Bill, lest it should excite agitation in that country. But, then, the noble Lord alleged as another reason that five or six of those violent agitators, with whom he professed to have no sympathy at all, whose proceedings he entirely disapproved, came over to London and notified that the measure would not give satisfaction. The Bill was withdrawn, after being read a second time and sent to a Select Committee, because five or six violent and irrational people from the north of Ireland waited on him, and expressed their disapproval of it. Was that a reasonable or proper proceeding to be adopted by Her Majesty's Government? The hon. Member for Middlesex (Mr. B. Osborne) had asked why the Members on that side the House did not introduce the measure? Having announced from the Throne that it was a fit subject for legislation, surely it was not the province of independent Members of the House, or of Members sitting in Opposition, to frame a Bill for the law officers of the Crown in Ireland to meet the exigencies which over and over again they had admitted to exist. The hon. Member for Middlesex stated—and a similar statement was made by the right hon. the Secretary of State for the Home Department—that the hon. Member for Rochdale (Mr. S. Crawford) proposed to decrease the rent received from land. He (Mr. Keogh) would argue from that statement, that although the Bill of the hon. Member for Rochdale had been laid on the table in more than one Session of Parliament, the right hon. the Secretary of State had not made himself master of the details, because on examining them he would find that in express words it was only proposed that the tenant who, by the industry of his hands and the expenditure of his capital, added to the letting value of the property should not be arbitrarily ejected without that compensation which the custom of the country gave to every improving tenant in England. If a tenant, holding from year to year, by the expenditure of capital and labour made improvements under the eyes of the landlord, was it just or fair, when he had so increased the value of the holding, that he should be dispossessed and thrown on the world without the slightest compensation? That was the principle upon which the Bill was founded, and it was the same as that adopted when the Bill was originally laid on the table of that House. If great excitement now existed in Ireland, it had been caused by the conduct of Her Majesty's present Government. Under the Government of the late Sir Robert Peel, it was the constant cry, raised by the noble Lord and the Gentlemen who were now his colleagues, that Sir Robert Peel had forfeited confidence, and omitted to discharge his bounden duty, in not introducing a Bill for regulating the relations between landlord and tenant. The Bill of the Earl of Lincoln was not then sufficient for the noble Lord; his appetite was great, in order to excite hopes among the tenantry of Ireland that when in power he would be prepared, in exchange for support from their representatives, to give a substantial measure of relief on the subject most dear to their interests. The present Government had paltered with this question in every sense. When out of office they had excited the people of Ireland to most extravagant expectations; and in office, when it would no longer serve the purposes of their Administration, they allowed the question, which they themselves had created, to drop to the ground, and now assailed those who, upon their invitation, first became advocates of the measure. The circumstance of disturbances in Ireland had been referred to, and he could assure the hon. Member for Montrose (Mr. Hume), that no man bore more entire detestation to the commission of those crimes than he did, and he should most unhesitatingly assent to any steps for their repression. But he believed the law now improperly administered in Ireland would be perfectly sufficient; though he would tell the noble Lord at the head of the Government the present law and no law would be sufficient, if everything in Ireland were made a matter of party compromise. The law would be sufficient if everything were done with the view to preserve the peace of the country, and with the object of carrying out substantial measures of relief—not for particular purposes to inflame the passions of the people, or to be a means of propping up the Government, and, when it suited the purpose of the Administration, to betray and fling them away with ignominy and contempt. He would ask why the right hon. Baronet the Chief Secretary for Ireland had not addressed the House on this question? When in Opposition, the right hon. Gentleman was not so sparing of his words; and he (Mr. Keogh) asked, why did he, representing an Irish constituency bordering on the district in which tenant-right did exist, now hold back, and, sitting behind the Secretary of State for the Home Department, allow that duty which was his peculiar province to be discharged by another Member of the Government? Why did not the Chief Secretary manfully come forward and state the opinion on this subject which he had deliberately formed, and let the people of Ireland know what they were to expect and what they were not to expect from him on this question?

Mr. BRIGHT said, he would not have offered a single word to the House at this stage of the measure but for the observations of the hon. Member for Middlesex (Mr. B. Osborne), who, he was afraid, had said something to lead the House to suppose that he had a specific for this very difficult question. He had only to say with regard to that, that, like some other Members of the House, he had paid a good deal of attention to the subject, and that nearly two years ago he spent some weeks in Ireland for the express and only purpose of examining into the question, and ascertaining, if possible, from intelligent persons of all classes in that country what was the truth regarding it. He had studied with more care than he ever studied other blue books the reports of the Devon Commission; and, having fortified himself by a thorough examination of the question, he formed an opinion, and endeavoured to embody that opinion in a few clauses of a Bill. This Bill was submitted to Irish Members, and by some on both sides of the House it was generally approved. However, it did not meet the views of a large class in Ireland who were moving in relation to this matter, and he thought it better that he, who was not connected with Ireland in any way, should not bring forward a measure that did not meet the approbation of the Members from Ireland, and those whom they represented. He, therefore, took no steps to submit that Bill to the House. He did not think that he should be able to support in Committee some of the clauses of the Bill of the hon. Member for Rochdale; yet he would vote for its introduction and second reading, as approving of this one proposition—that the subject was one that required legislation; and, that having adopted the principle, possibly it might be put into such a shape in Committee as would make it useful to Ireland. The noble Lord at the head of the Government had made a very ingenious and dexterous speech, endeavouring to back out of the difficulty on this question. The noble Lord, among other things, told them that a Bill had been prepared, but that persons in Ireland repudiated it as not satisfactory. The noble Lord, however, ought to know that no class of persons whatever believed that that Bill would have been of any service in Ireland. It was repudiated for the simple reason that the clauses of the Bill were so complex, the machinery so involved, and so many notices were to be given from one person to another, that it was impossible to imagine a case in which the noble Lord's Bill could have been of the slightest use to tenants. The noble Lord had sent his (Mr. Bright's) Bill to the Irish Government, and it was disapproved of by them. He (Mr. Bright) would not condemn a Bill on that ground, though the noble Lord did. The noble Lord did not condemn all Bills that were disapproved of by the Irish Government. There was one last Session on which it would have been better if the noble Lord had taken the advice of the Irish Government. But the true state of the case was this: In the Cabinet there were large Irish proprietors, and, without imputing to any proprietor a desire of doing injustice to his tenants, it was easy to understand that after the long continuance of the present state of the law in Ireland, proprietors were alarmed at any proposition coming to them like the Bill of the hon. Member for Rochdale. The Irish proprietors in the Cabinet, in that House, and out of it, were afraid of a Bill that would interfere with the powers and privileges that a Parliament of landowners for generations past had been conferring upon the proprietors of the soil. That was the point. The question was, could the cats wisely and judiciously legislate for the mice? He did not believe it. He was as much opposed as any man could be to transferring the land from the landlord to the tenant; but a measure of justice was due from the former to the latter, both in Ireland and in this country as well. After the extremity to which Ireland had been reduced, they might have expected some remedial measure upon this subject; but he doubted if it was possible for the noble Lord to get his Cabinet to agree to a measure that should withdraw from the proprietors of Ireland or of this country the property which they asserted they had at the expiration of the tenancy in all that remained on the land, that had been placed there by the capital and industry of the tenant. As matters stood, the law directed that if a tenant expended money on buildings, or in draining, or in improvements of any kind, the improvement became the property of the landlord at the expiration of the tenancy. Now, that was not a just state of the law. He had not the slightest belief that the condition of the tenancy of Ireland could be improved by a violation of the true principles of political economy. He had never consented to a Bill that violated those principles; but the law, as it now stood, violated them most flagrantly; and, were it not that the law had been in existence so long, and that that House was composed of so many who profited by it, it would be seen by every one that such a condition of the law was unjust from the very beginning. The noble Lord at the head of the Government referred to the case of farmers in Scotland, and also, he believed, in England; but there was no comparison to be drawn between them and the farmers of Ireland. It was proved by the Devon Commission, that though it examined 1,100 witnesses in Ireland, there could not be got twenty-one cases in that kingdom in which the landlord had expended money in farm buildings. But the case was very different in Scotland. These were facts that could not be denied by the noble Lord; and were they to have no change of the law in Ireland, because the noble Lord said the evils that prevailed there did not exist in Scotland? Then, when outrages took place, there were, as there ought to be, denunciations of the criminals. But the truth was, that these crimes had been the condition of Ireland for seventy or eighty years back, without cessation of any long period. From the time when Arthur Young wrote, till the period of the Devon Commission, and down to the last copy of the *Times* newspaper, the same crimes had been enacted in Ireland, and they sprang from the same causes. It was in the eternal decrees of Providence that so long as the population of a country were prevented the possibility of possessing any portion of their native soil by legal enactments and legal chicanery, these outrages should be committed, were they but as beacons and warnings to call the Legislature to a sense of the duties it owed to the country which it governed. In conclusion, should the House refuse assent to the Bill of the hon. Member for Rochdale, he had only to state that he was ready to co-operate with any of the Irish Members in bringing forward some other measure based upon the considerations he had been urging upon their attention; and if any one of them introduced such a Bill, he should feel it his duty to give it all the support of which he was capable, as he believed there was no question affecting so much as this did the true interests of Ireland.

MR. WHITESIDE said, that often as he had listened to the hon. Gentleman the Member for Manchester with pleasure, he had never done so with greater gratification than on the present occasion. The hon. Gentleman stated to the House that he had visited Ireland on one occasion for two or three weeks, and that during that time he had applied his great understanding to the condition of the law of landlord and tenant as it existed in that country;

that he had mastered the entire question; and had discovered and overcome all the difficulties of a subject which he (Mr. Whiteside) might say for himself and his hon. relative who sat beside him (Mr. Napier) had been the object of their study for a period of twenty years. But some gentlemen could come to a solution of the most difficult and perplexed questions by a rare intuition that did not belong to men of ordinary minds; and if the hon. Member for Manchester had in three weeks discovered a solution for all the difficulties that beset the law of landlord and tenant in Ireland, why, he must embody within himself the wisdom of a Solon or a Lycurgus. Why had the Government not availed themselves of the assistance of the hon. Gentleman? And why did they not more frequently apply to him for aid? Since they did not seem disposed to legislate on difficult questions themselves, why could they not avail themselves of the legislative abilities of the hon. Member for Manchester? He said that cats could not legislate for mice, which was a just and beautiful remark. The hon. Gentleman said, "Irish landlords, in the mass, were unjust and tyrannical to their tenants." He (Mr. Whiteside) represented a portion of the north of Ireland where tenant-right prevailed, and he repelled the calumny; he said, on the contrary, they were just and merciful, and the tenantry who lived under them found them better friends and were treated more kindly than they could be even if they had the good fortune of living under the government of those who held the opinions of the hon. Member for Manchester. He had heard the speech of the hon. Member for Cork with great satisfaction; and he must say, with regard to the law of distress, that it was mischievous to the tenant, and injurious to the landlord. He could say this from practical experience, as he had conducted cases of the landlord against the tenant, and of the tenant against the landlord in relation to distresses for rent. The present state of the law was wrong, and required to be redressed, and he, for one, was ready to devote his humble efforts to make it just and equitable. With reference to the speech of the hon. Member for Middlesex (Mr. B. Osborne), he had said much with which he agreed; and the hon. Gentleman had a right to speak confidently on this question—as he could vouch for it that he was a good Irish landlord and a good farmer; therefore it was that he deprecated all wild interference with the rights of property; and therefore it was that he had spoken on this occasion with a degree of caution and care which he (Mr. Whiteside) did not think on certain other questions his hon. Friend was remarkable for. But he must deprecate his friends near him, and himself, being involved in the task that the hon. Member would cast upon them. He asked why should not his hon. relative, and himself, and other Gentlemen unite their counsels, and make out a Bill applicable to this question? But was that their duty? Was it the duty of the Gentlemen who sat there; or was it a compliment to the Ministers that was tacitly conferred, as if they were unequal to the task, to consign the performance of that task to others? He frankly admitted that the task was a difficult one. He admitted that the law was cumbrous, perplexed, and multifarious—that both landlord and tenant were embarrassed by the number and variety of the Acts of Parliament that existed on the question. But it was not true that they had not endeavoured to correct these manifest and glaring evils. An excellent work had been prepared by Mr. Ferguson, giving a legal view of the entire subject, in order that it might attract the attention of Her Majesty's Ministers, and lead to a just and comprehensive measure. He had listened to the noble Lord with all the respect that his distinguished position entitled him to receive. The noble Lord said it was a difficult subject, and he (Mr. Whiteside) admitted it. But was that a reason why the Minister should shrink from grappling with this question? Was it only with questions that were easy of adjustment that he was capable to deal? Where were the law advisers of Her Majesty's Ministers? One part of the work to be performed was to condense and simplify the law, reducing some 150 Acts of Parliament within the compass of two or three. No doubt, this would be a matter of difficulty and labour, and would require knowledge, care, and diligence. He frankly confessed, however, that he did not expect any such measure from the present Ministry or their legal advisers. But the noble Lord added that the adjustment of this difficult subject might create a flame of agitation in Ireland. If the noble Lord was to shrink from every question that would raise agitation in Ireland, he never would settle any question in that country. But he confessed his surprise was still greater when the noble Lord declared that the good and sensible Bill which he said the Government had prepared had been cast aside, lest it should have been objected to, and have disappointed unreasonable men, who would never be satisfied with any Bill whatever. That was not a statesmanlike view of the case, and ought not to prevent Ministers from dealing with this subject. He would have thought that the noble Lord would have had such just confidence in his own abilities, and the wisdom of the measures that he might have introduced, that he would have persevered till he had added to the laurels he had already gained, instead of bringing before them mere speculative reforms. But he feared that they would spend the Session as they spent the last, in debates on profitless subjects; while those of real practical importance would not be brought forward by Government till perhaps some future Session, if they were then in office, when important questions might be settled; and then, and not till then, they might see the luminous measure which the hon. Member for Manchester had hinted at recorded in the Statute-book as a fresh proof of legislative wisdom and patriotism.

Mr. AGLIONBY thought the debate was verging very closely upon party and personal attacks, and that the speech of the hon. and learned Member for Athlone (Mr. Keogh) was not so much directed to the elucidation of this great question as to a party fight; nor had the noble Lord (Lord John Russell) by his speech at all cleared up the difficulty which surrounded the question. There seemed some fatality in their endeavours to improve Ireland, since it invariably elicited such warm feeling; and though the hon. and learned Member for Enniskillen (Mr. Whiteside) said it was not his duty or the duty of his hon. relative to frame this Bill, he must tell him and all the Irish Members that it was the duty of all well-wishers of their country to lay aside all party feelings upon questions immediately affecting the interests of their constituents. He believed, with the noble Lord at the head of the Government, that legislation would do little to create confidence between landlord and tenant—that that must be the consequence of a good feeling between the different parties. In England we are subjected to the same laws that existed in Ireland, yet there was no complaint on the subject. A tenant living upon church lands could only take a lease for seven years; and if he made any improvements on his holding, his reward was, that, at the end of his lease, an additional fine was laid upon him on the renewal of his lease. So it was with regard to copyholds; and if any improvement were made in the law with regard to Ireland, he thought it ought to be extended to England. It was the duty of all who wished well to their country to meet together and to agree upon that which would conduce to the general benefit. Let them imitate the course of the Members for Scotland, who met together, and by each conceding something, had contrived to get through their public business with much profit to their country. He should give his best attention to the Bill, although he had no great hope of its success.

Mr. LENNARD said, he objected strongly to the Bill proposed by the hon. Member for Rochdale; and he thought the hon. and learned Member for Athlone had not put the question fairly, when he asked whether a tenant ought not to be compensated for improvements made by him. He (Mr. Lennard) admitted that, if the improvements were made under the eye and with the consent of the landlord, the tenant would be entitled to compensation. In England this state of things is provided for by previous arrangement; but by the present Bill the landlord was to make compensation, whether the alterations had been made with his consent or not. He considered this a great injustice—a great encroachment on the rights of property, almost amounting to confiscation. taking away all discretion from the landlord, and fixing him with a responsibility against his will. He wished the Government had objected to the introduction of the Bill, even for discussion; but as it had not done so, all he could do would be to protest against it at the present time.

Leave given.

Bill *ordered* to be brought in by Mr. Sharman Crawford, Mr. Keogh, and Mr. M'Cullagh.

RAILWAYS (IRELAND).

Mr. TORRENS M'CULLAGH moved for leave to bring in a Bill, to enable Grand Juries in Ireland to make Presentments in aid of Railways, in certain cases. He felt it was not necessary to trespass, at any length, upon the time of the House, in advocating the introduction of this measure, for, if he had been at all successful in sounding the intentions of hon. Members, there was no probability of the Bill being opposed at this stage. It would be in the recollection of the House, that, at the close of last Session, a numerous deputation received from the noble Lord at the head of the Government an assurance that he had no objection, provided a general opinion should be expressed in favour of such a measure, to raise the question in Parliament of the propriety of giving to Grand Juries a power to make presentments in aid of railways under certain conditions. Acts of Parliament had been obtained for the construction of a great number of short lines of railway, but the rail fever having passed away, there was no likelihood of any of them being made at present; and without stimulus of some kind being given them, it was hard to say if ever they would be completed. A general opinion prevailed in Ireland that the localities and towns which were likely to be benefited by those lines ought to bear the expense of their completion, and that the proper way to effect this was by giving Grand Juries a power to make presentments. He proposed, therefore, to lay before the House a scheme by which this should be permitted, fixing the maximum which should be placed upon any district, or county, or borough, through which the proposed lines were to run; and with a power to levy a rate, to give the company the power to assign that rate to persons who would advance the sum required. He sought by this means to obtain in the market the use of money without resorting to the Government; and he mentioned this, in order that English Gentlemen in that House might not think it was a Bill to obtain money from the Imperial Exchequer. Every Irish Gentleman would have in his mind the system under which the old post roads were completed in Ireland, and he had sought to appropriate in his measure as much of the principle of that plan as was fairly applicable to the present railroad system. He proposed that, before any rate was made, the company should have estimates prepared, which should be certified by the Board of Works to be reasonable and correct; and he did not propose that the Board of Works should have anything more to do with the transaction. When such estimates and certificates were lodged with the town-clerk, or any other official that might be agreed upon, the Grand Jury might present for the whole sum; but, instead of making the county liable for the whole at once, he had adopted the old post-road arrangement, and proposed that payment should be extended over ten years or twenty years, between which periods he would leave the House to decide. In this way he hoped to give a great stimulus to a branch of industry which was closely connected with the prosperity of the country. He did not seek to bind those who assented to the first reading, or the Government, in any way to the details of his measure; and with that understanding he trusted the House would permit the Bill to be printed and submitted to the Grand Juries of Ireland, which would shortly be assembled. When their opinion was taken, he should propose the second reading; it would be time enough then to discuss the details, and if any of them were objected to he would not oppose the reference of the Bill to a Select Committee upstairs. The reason he had taken upon himself to introduce this Bill was, first, because he found the Government had no intention of laying any such measure before Parliament; secondly, because he represented a community particularly interested in the passing of some such law; and, lastly, not being connected in a pecuniary way with any railroad in Ireland, he thought himself quite free to take the course he had adopted.

SIR JOHN YOUNG seconded the Motion.

MR. LABOUCHERE said, he did not rise to make any objection to the Motion; on the contrary, he was glad that this measure should be placed before Parliament and the public in Ireland, the principle embodied in the Bill having received so general an assent in the course of last Session. As his hon. Friend had just stated, the principle of the Bill was brought under the attention of the Government at the close of last Session, by a deputation composed of various parties, when his noble Friend at the head of the Government expressed his willingness to agree to such a measure, provided there was a general assent to its principle on the part of the people of Ireland. Since that time the Government had not received any assurance from any of the Grand Juries of Ireland that they were anxious for such a measure. Had they received any such assurance, they were so convinced of the importance of extending the railway system in Ireland, as conferring great benefit on the country, that they would have brought the subject before the House. But they had not hitherto received any such assurance as would induce or justify the Government in bringing such a measure forward. In regard to railway legislation in Ireland, he held that the Government was scarcely justified in proposing any great difference between it and the railway legislation for England, unless there was a clear expression of opinion on the part of Irish Members themselves that that diversity of law was required and justified by the circumstances of the case. Where such an expression of opinion existed, the Government had never shown any disposition to act on it. Last Session he had proposed and carried through the House a measure, represented to be necessary, regulating the power of purchasing land for railways. He certainly should not oppose any plan of extending railways merely because it was different from what was acted on in this country. He, therefore, rejoiced that the measure had been brought forward, and hoped it would be the means of eliciting public opinion in Ireland. He had not had the advantage of seeing the Bill, and therefore he did not wish to commit himself to its details, which would require to be carefully considered, particularly the question of appropriation. He hoped the measure would be fairly considered in Ireland; and should it receive the general assent of those interested in the extension of railway communication in that country—and every Irish proprietor ought to consider himself so interested—he would render every assistance in maturing the measure and promoting its success.

Colonel DUNNE believed that the feeling of the Irish Members generally was in favour of this Bill, though he, for one, did not wish to commit himself on details. With regard to what the right hon. Gentleman (Mr. Labouchere) had said, that no Grand Juries had signified their assent to the principle of the measure, the reason of that was, that no assizes had been held since the question was mooted; but if the second reading was fixed at a reasonable period, the Grand Juries would have met in the interim, and the Government would then have the advantage of knowing their opinions.

Mr. FITZSTEPHEN FRENCH gave his hearty assent to the principle of the Bill. It was his belief that the counties would be fully compensated by the returns of the railways. There was a case in this country, of the river Weaver, in Cheshire, the receipts from which went in reduction of the county rates. There was no attempt on the part of the Government to develop the resources of Ireland by means of railways. It was most desirable that there should be a railway communication between Belfast and the west of Ireland. Belfast wanted flax, while his constituents wanted a market for flax, as the difficulties in the way of its transport at present made it not worth the growing. He trusted, therefore, that when the Bill was fairly before them, the right hon. Gentleman the President of the Board of Trade would convert his present non-opposition into strenuous support. He believed that sufficient money could be easily raised under the proposed plan to carry it into effect.

Mr. GROGAN was glad that the professions of friendship to Ireland, which had been so often made by Her Majesty's Government, and which had been so long barren, were now likely to be productive in the way of not opposing, at least, a Bill that promised to be of the highest utility to that country. If the Grand Juries of Ireland were willing to tax themselves and their fellow ratepayers for the construction of railways, he thought it was not asking too much of Her Majesty's Government that they should support a measure of legislation that was calculated to enable them to do so.

Leave given.

Bill *ordered* to be brought in by Mr. M'Cullagh and Mr. Wyndham Goold.

SALE OF BEER.

Sir JOHN PAKINGTON said, his object in rising was to request permission from the House to bring in now precisely the same Bill which he introduced at the close of last Session. He must therefore move that the House resolve itself into Committee in point of form, as this Bill related to the affairs of the Exchequer. He sought by this Bill to extend the provisions of an Act, passed some years before, with the addition of some new provisions regarding the police, and other matters. The Bill upon the whole was founded on the Report of a Committee of the other House of Parliament, which sat upon the subject in 1849 and 1850, and the evidence taken by that Committee would afford abundant proof, if any were required, of the very serious evils which had arisen in all parts of the country out of the present state of the law with regard to the sale of beer. Complaints on the subject had been so generally and so loudly expressed, both out of doors and by petitions to that House, that although there might be some difference of opinion as to the provisions of the measure, he was disposed to hope that little or no difference of opinion would exist as to the necessity of some legislation on the subject.

Mr. SCHOLEFIELD was sorry that the Bill was the same as last year, because he believed that the provisions of that Bill would have been exceedingly injurious in certain parts of the country, and particularly in his own district. If the measure had applied only to the agricultural districts, he would have offered no opposition, because it might be that abuses existed there; but he believed that with regard to large towns, the provisions of the Bill were not necessary, while he had every reason to believe they were likely to inflict serious injury. He hoped, therefore, the hon. Gentleman would give ample time for the consideration of the measure.

Mr. EWART feared that the morality of the people was not to be promoted by Acts of Parliament. He knew that the beersellers of the metropolis, who were a most respectable set of men, had a strong feeling on the subject, and he hoped, therefore, the hon. Gentleman would not press his measure without giving all parties an opportunity to be heard.

Mr. AGLIONBY agreed with the hon. Member who had last spoken that laws could not make people moral, but yet they might alter those laws which had a tendency to promote immorality. For his own part, however, he should have been better pleased if the hon. Baronet (Sir J. Pakington) had turned his attention to secure a good system of rural police, rather than reverting to the old system of magisterial licences.

Mr. MITCHELL was not very well acquainted with the provisions of the hon. Baronet's measure, but if it were intended to place beershops on the same footing as public-houses, he would give it his most strenuous opposition, because he believed the effect of that system was to give the large brewers a practical monopoly that enabled them to make great fortunes at the expense of the people.

Mr. SLANEY said, he must express a hope that his hon. Friend (Sir J. Pakington) would endeavour to apply such a remedy to the evils of which he complained as would not raise the price of the article of life in question. The Gentlemen who spoke so frequently of the immorality occasioned by beershops would do a great deal to diminish the mischief which they deplored, if they would afford some opportunities of amusement to the labouring population. He only mentioned this because he had seen the great advantages which resulted from such opportunities. He had great faith in his hon. Friend with respect to this matter, and therefore he should be ready to give him all the assistance which he could.

"*Resolved*—That this House will immediately resolve itself into a Committee to consider the Laws relating to the sale of Beer."

House in Committee; Mr. Cornewall Lewis in the chair.

"*Resolved*—That the Chairman be directed to move the House for leave to bring in a Bill to alter and amend the Laws relating to the Sale of Beer."

House resumed.

Resolution reported.

Mr. KERSHAW hoped that the hon. Member for Droitwich would state what was the principle of the Bill which he was about to introduce.

Sir JOHN PAKINGTON said, that the Bill was the same as that brought in last Session, and as the hon. Gentleman would find it in the library, he did not think he should be justified in taking up the time of the House by further reference to it. He might, however, be permitted to say, with regard to the observation made by the hon. Member for Birmingham (Mr. Scholefield), that the Bill was prospective only, and he might add that some of the loudest complaints came from the most populous towns.

Leave given.

Bill *ordered* to be brought in by Sir John Pakington, Mr. Deedes, Mr. Brotherton, and Mr. Headlam.

COUNTY RATES.

Mr. MILNER GIBSON moved for, and obtained leave to bring in a Bill to establish county financial boards for the assessing of county rates, and for the administration of county expenditure in England and Wales.

CUSTOMS COMMITTEE.

Mr. MITCHELL moved to renew the Select Committee of last Session, appointed to inquire into the constitution and management of the Board of Customs, and, in doing so, said that he was only carrying out the desire of the Committee. He might say that, though the Committee had not made any report, nor had come to any decision, he believed that a great deal of good had arisen from the inquiry, and that some improvements had been made by the Board of Customs themselves in consequence of that inquiry.

The Motion was agreed to.

ENFRANCHISEMENT OF COPYHOLDS.

Mr. **AGLIONBY**, in moving for leave to bring in a Bill to effect the compulsory enfranchisement of lands of copyhold and customary tenure, said, that he considered he should best consult the feelings of the House by shortly stating what had been done on this subject. The House would recollect that his own Bill of last Session, and that of the hon. Member for Cirencester (Mr. Mullings), had both been referred to a Select Committee, and it was a remarkable fact that that Committee never had a division. They unanimously agreed to a Report, and had instructed him to prepare and to present a Bill in accordance with it. A Bill accordingly was framed, but on account of the lateness of the Session he was requested by the House to withdraw it, and reintroduce it this Session. It had been printed and circulated during the recess, and he now asked leave to reintroduce it as printed, without the alteration of a single word. He would explain the principles of the Bill on the second reading.

Leave given. Bill ordered to be brought in by Mr. Aglionby and Mr. Mullings.

Bill read 1°.

The House adjourned at a quarter before Ten o'clock.

HOUSE OF COMMONS.

Wednesday, February 11, 1852.

Minutes.] New Member Sworn.—Right Hon. Fox Maule, for Perth.

Public Bills.—1° London (City) Improvements; Sale of Beer; County Rates and Expenditure.

MANCHESTER AND SALFORD EDUCATION BILL.

Order for Second Reading read.

Mr. **BROTHERTON**, in moving the Second Reading of this Bill, said, that its object was to provide a free education for the poor inhabitants of the boroughs of Manchester and Salford; and so far as those boroughs were concerned, to carry out the desire expressed by our beloved Queen, "That the youth of this country should be religiously brought up, the rights of conscience being respected." The funds for that purpose were to be provided by local rates, to be administered by the town councils of Manchester and Salford, or Committees to be appointed by them. He believed that there was some difference of opinion as to whether the Act would carry out the intentions of its promoters; but those differences were not such that they could not be met by the insertion of certain clauses in the Bill. He, therefore, asked the House to allow the Bill to go into Committee, that it might be fairly considered in all its provisions, and any difference that existed might then be arranged. It was certainly very much to the credit of the ratepayers of these two large boroughs, that they had desired the education of the people to be immediately undertaken, and that they were willing to tax themselves by a local rate, in order that a fair experiment might be made on this important subject. The Bill was generally acceptable to the ratepayers of the two boroughs, for petitions had been presented to that House from the three townships comprised in the Bill, signed by the majority of the ratepayers, not only in number, but also, he believed, in regard to the amount of assessment. The petition from Manchester was signed by 27,596 persons, that from Salford by 6,392, and that from Broughton by 2,396; the residence and amount of assessment of each person being in every case appended to his signature. For his own part, he avowed that his own predilection was in favour of a secular scheme of education that should not infringe upon the rights and consciences of any. But we must take mankind as they are; and when all classes in Manchester had united to form a Bill, and had made mutual concessions, with a view to the promotion of the great question of the education of the poorer classes, he felt it was the duty of all to be willing to make concessions, in order that this great object might be accomplished. With regard to particular scruples as to religious teaching, he felt very much disposed to give way, rather than permit the further continuance of that street instruction which led to poverty, misery, and crime. When, therefore, he balanced these considerations, he thought that great good might be effected by carrying out this Bill. He preferred it, in the present state of public feeling, to a general measure, for he was sure that it would be extremely difficult to frame such a measure as would be equally applicable to the agricultural and manufacturing districts. It was from a feeling of that difficulty that it had been desired that the towns of Manchester and Salford should, as an experiment, unite for this laudable purpose; and he hoped that if the Bill underwent the investigation of a fair Committee, they would form such a measure as would give general satisfaction, and would fully protect the rights of conscience of all.

Mr. W. BROWN, in seconding the Motion, said, that he was very desirous to see this Bill sent to a Committee upstairs, because he thought that a good deal of valuable evidence would be elicited, and that even if this Bill did not pass during the present Session, the investigation would put the Government in possession of much information, which would be of great value to the Prime Minister in the preparation of the general measure of education, which he had announced his intention of introducing next year.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Mr. MILNER GIBSON said, that he thought the hon. Member for Salford (Mr. Brotherton) had given a somewhat too highly coloured description of the amount of support which the Bill had received in Manchester. It was perfectly true that the Bill was supported by a large body of the ratepayers paying upon a very considerable assessment, and also that it was promoted by gentlemen whose opinions are entitled to great consideration and deference; but it was not correct to say that the Bill was supported by the whole of the inhabitants of Manchester. [Mr. Brotherton: I did not say so.] He had understood his hon. Friend to say, that the Bill was supported generally by the inhabitants of the borough. However, up to this moment, he, as the representative of Manchester, had received no intimation whatever of the course which the corporation of Manchester, the legitimate representative of that great body of the ratepayers, was prepared to take upon this occasion. Indeed, the hon. Member for South Lancashire (Mr. W. Brown) appeared rather to contemplate referring the Bill to a Committee upstairs, with the view of supplying the Government with information on which a measure might be founded in a subsequent Session, than that this Bill should become law during the present year. He should feel very great difficulty, whatever his own private opinions upon this measure might be, in opposing its being considered by a Private Bill Committee; because when a respectable body of men came to Parliament with a measure, asking to have the advantage of their judicial inquiry—for private legislation now came under that description—he thought that there must be some very strong and special reasons shown, before the House would be justified in refusing their request. He could, however, show a special reason for the Amendment which he was about to propose. He wished the House to agree to the postponement of the Bill, because, while on the one hand, he should be unwilling to throw any unnecessary impediment in the way of the ratepayers, or any portion of them, having their proposal considered by a Committee; on the other hand, he desired that all who were entitled to be heard in opposition, had equal favour shown to them, and that nothing was done precipitately, so as to deprive the corporation—the representative of the whole body of the ratepayers—of the opportunity of being heard, if it so pleased them, in opposition to this Bill, and which would be the effect of their reading it a second time. He was informed that the corporation were about to meet, on the 18th instant, to take the measure into consideration; and as by the Standing Orders of the House any person petitioning against a private Bill, and desiring to be heard in opposition before a Select Committee, must present his petition within seven clear days of the second reading of the Bill, if the corporation of Manchester should decide at their meeting to oppose the Bill, they would be deprived of the opportunity of being heard if the House proceeded to read the Bill immediately. This measure was of infinite importance to the future welfare, peace, and harmony of the whole of the inhabitants of Manchester; and he was quite sure that a Committee of that House would feel themselves in a most unfortunate position if, by any hasty reading of this Bill a second time, they were to be deprived of the opportunity of hearing the views of the corporation upon it. Without, therefore, going into the principle of the measure, or stating any opinion whatever upon it, he would upon this ground move that the second reading of the Bill be postponed for a fortnight.

Amendment proposed to leave out the word "now," and at the end of the Question to add the words, "upon Wednesday the 25th day of this instant February."

Question proposed, "That the word 'now' stand part of the Question."

MR. WILSON PATTEN said, it was his intention to support the Bill, not only so far as the technical forms of the House were concerned, but also upon its merits. He felt bound to say a few words on the subject, as he had taken charge of this particular department of the private business of the House. With respect to what had fallen from the right hon. Member for Manchester (Mr. M. Gibson), as to the propriety of postponing this Bill for a fortnight, because the corporation of Manchester had not had an opportunity of expressing their opinion upon its merits, he was in a position to state to the House that this Bill had been under discussion in Manchester for now more than two years, and that during that period it had formed a prominent subject of discussion in the newspapers of every party. Its nature had, therefore, been fully known in Manchester for many months, and it was therefore in the power of any party in that borough to take the proper steps for opposing it in Parliament if they were so disposed. But he strongly suspected that the reason why the corporation of Manchester had not presented any petition against the Bill was, that there was no very great objection to the Bill on the part of the corporation collectively, though there might be on the part of some of its Members. For every party in that town, whatever might be their opinions, looked with great approbation upon those who had brought forward this Bill, and who had for two years bestowed great pains and labour upon its preparation. There could be no necessity for postponing the second reading upon the grounds stated by the right hon. Member for Manchester, because no doubt the Bill would be opposed in Committee, and any feeling which might be entertained upon the subject by the corporation of Manchester would receive the greatest attention from them in a matter in which that body were so vitally interested. With regard to the merits of the Bill, he must say, there was no subject which had created such a strong feeling in the county he had the honour to represent (Lancashire) as that of education, which had been discussed in every part of the county for several years. There was a party who wished to establish a general system of secular education through the country; but he thought that the minds of the people were by no means made up upon that scheme; though many of the supporters of this Bill were in favour of that system. But what was felt in Manchester was, that if this measure was rejected until the question of national education was settled, Manchester might be left for years in uncertainty upon a question on which its mind was made up, and the mass of its population might remain uneducated. In Manchester, taking the schools of all denominations, there was at present accommodation for 62,000 scholars. By this Bill it was proposed that the present managers of these schools should still continue to manage them; except that they should not be allowed to teach the dogmas of their own religion to the children of any inhabitant who objected to such instruction being combined with the general secular and religious instruction which these schools would in future be bound to furnish to all. Upon this subject there had been much discussion; several plans to meet the religious objections of various denominations had been submitted to the Committee who had prepared the Bill, and who had ultimately come to the conclusion that while the provisions of this Bill would afford education to all, the conscientious scruples of no religious body could be offended; and he thought that no one who read the Bill would hesitate to come to the same conclusion. Then there came a clause enacting that if the establishment of any further schools were required out of the rates, the Scriptures should be read in them. But as there was accommodation in the existing schools for 62,000 children, but by no means that number of scholars, he did not think that this provision, which would offend the scruples of the Roman Catholics, was likely to come into operation. At any rate, it was a question for a Committee of the House to decide whether that clause should be inserted or not. This measure being one in which the religious feelings of every class in the community had been consulted, it had been supported by the bishop, the dean, the whole of the clergymen of the Church of England in Manchester, and the great majority of the Dissenting Ministers; and although the Roman Catholics objected to the provision which he had just mentioned, they felt, that the benefits of the measure would be so great as regarded their present schools, that he believed they were in favour of the measure with that exception, because it would afford them means of instructing their children, far beyond those they now possessed. With regard to the numbers who supported the measure, he believed that, taking out the females and double entries, there were 60,000 ratepayers in Manchester; and of these rather more than 40,000 had signed the petitions in favour of this Bill. Now, as this measure applied solely to the borough of Manchester, and did not seek to involve any other place in its operation, he thought that this fact entitled it at all events to a second reading. If, however, the House considered that the subject, being one of great importance, required a different tribunal for the consideration of its details from that to which a private Bill was ordinarily submitted, he might say on the part of the promoters of the Bill that they had no objection to the adoption of such a course, or to its merits being discussed in any manner upon which the House might decide. He would himself suggest that the Government should name a tribunal by whom the measure should be considered. That was a course which would give entire satisfaction to the promoters of the Bill, who had no objection to the Bill being considered and discussed as a public Bill, though by the forms of the House they were compelled to introduce it as a private Bill. If the House refused to read this Bill a second time, it would cause great disappointment to a vast body of people who were interested in it; and whatever might be the way in which they dealt with it, they would, if they knew the assiduity and trouble and talent bestowed upon it in the town of Manchester, hesitate before they offered opposition to its passing through any of its stages.

MR. BRIGHT said, that he thought the hon. Member who had just resumed his seat had failed to reply to the objection of his (Mr. Bright's) right hon. Colleague (Mr. M. Gibson), that the corporation of Manchester had not yet had an opportunity of discussing the Bill; and that if the House proceeded immediately to read it a second time, there would not be time for the corporation to present a petition, so as to entitle themselves to be heard in opposition to it before the Committee. Now, it was no doubt true that this measure, and another with a similar object, had been discussed in Manchester, though not, he thought, for two years, yet certainly for more than one; but the hon. Member must know that various plans had been submitted to the population of Manchester in this period; that they had been objected to, and that repeated alterations had been made to meet the objections of various classes of the community; so that the corporation of Manchester were wholly unable to come to any consideration of the real nature of the measure, until the promoters of the measure laid it upon the table of the House. What could have been more absurd than that they should have met and discussed either this plan or the secular plan until they were definitely arranged and laid before the House in the shape they were intended permanently to assume? The hon. Member for North Lancashire (Mr. Wilson Patten) might find himself much mistaken if he fancied there was such unanimity in the corporation with regard to this matter. [Mr. W. PATTEN: I did not say so.] This Bill proposed that the whole population of Manchester should be rated for education, and the corporation must clearly be an authority recognised by the House, for it was the instrument appointed in the Bill for the collection of the rates. The Bill might go on to propose that some other authority superior to the corporation should interfere in the administration of the funds. If, then, the corporation had any regard for its municipal dignity and character, it had an undoubted right, and in fact it was its bounden duty, deliberately and most seriously to consider this measure; nor was that House less bound, in his opinion, to defer very largely to the opinion of a body elected freely by the large body of the ratepayers of that great town. He (Mr. Bright) and his right hon. Colleague were not acting in hostility to this Bill, and had no idea of preventing it from going to the consideration of a proper tribunal. That was all he and those with whom he was acting asked the House; they did not ask the House to postpone the Bill for a fortnight in order that they might then be in a better position to oppose it; or for the purpose of preventing its deliberate consideration before a Committee. But from what he had heard of the opinions of Manchester, looking at the mode in which this Bill interfered with the powers of the corporation, looking also to the point that it was a question of much greater magnitude than those Bills for lighting and paving towns, &c,, which were usually referred to a Committee of five Members;

and looking to the great difference of opinion which certainly prevailed, notwithstanding the number of signatures which the petitions in favour of the Bill had received, he thought they were quite justified in asking the House not to reject the Bill, or to dispose of it permanently, but to postpone it for a fortnight, that they might have the opinion of that authority in Manchester which the House recognised as the municipal government of the town. He quite agreed with the hon. Member opposite (Mr. W. Patten) that the promoters of this measure had shown great industry and great regard for the population amongst which they lived; and although he might differ widely from them in his estimate of some of the clauses, he was not adopting the course which he urged upon the House with any hostile views, but simply upon those which he had already mentioned. He submitted to the hon. Member for Salford (Mr. Brotherton) whether, after the pledges which had been given him, he would not serve the interests of those whom he represented by consenting to the postponement of the second reading to that day fortnight.

Mr. GLADSTONE said, that the great difficulty which he felt with regard to this Bill, and the point to which he was most anxious that the attention of the House should be called, was this, that on the present occasion, under the name, and he had no doubt the technical definitions, of a private Bill, the House was discussing, not only that which was a public measure, as affecting the public and the general law of the country, but that which was a public measure of the very highest importance, involving the most serious difficulties and the very highest principles which that House could upon any occasion be called upon to consider. And he must say that he felt very great difficulty when a question of this kind was brought before them only eight days after the opening of the Session, mixed up with a multitude of other private Bills, when hon. Members were beset out of doors with gentlemen full of zeal for this Water Bill and that Water Bill, and when the House approached the discussion under the circumstances and in the state of mind in which it usually came to the consideration of private business—a state of mind differing totally from that calm and deliberate composure which a measure of this kind required. The hon. Member for North Lancashire (Mr. W. Patten) had said that this Bill applied entirely to the borough of Manchester, and did not in the slightest degree involve any other place. No doubt that appeared on the face of the Bill; but would any one contend that the adoption of a system of education involving principles of the greatest novelty and the greatest importance, for a district containing 400,000 people, in the case of Manchester, would not prejudge the legislation of the country with regard to education. Another reason why he felt the greatest difficulty in assenting to the second reading of the Bill at the present moment was, that there was no Member of the Government in his place prepared to give his judgment on the subject. Within the last few days, too, they had heard an announcement from the First Lord of the Treasury, that he considered that if the question of Parliamentary Reform were disposed of during the present Session, the next great measure undertaken should be the establishment of a system of public education. Would this Bill have no influence on that general measure? He would put to the hon. Member for North Lancashire this dilemma. They were asked to enact for Manchester the principle of supporting out of the rates the existing schools, subject to certain limitations, and to apply to a new system of education a new and specific religious basis as yet unknown to the country, for schools that might hereafter be built out of the rates. It was, in fact, a full, perfect, and consummate system of popular education for one district. It was no doubt true, as the hon. Member for Salford (Mr. Brotherton) had said, that the circumstances of the populous town districts differed from those of rural districts; and that a precedent laid down with respect to a town would not materially fetter their legislation for the rural districts. But suppose they passed this Bill for Manchester, and that the next year they had a similar petition from Liverpool, and the year following one from Leeds, and the year after one from Birmingham; were they to bind Liverpool, Leeds, and Birmingham, to the principles they had laid down for Manchester? If they were, he contended that the House was then considering a public and a national question, and that they ought to have all the opportunities for considering it, which the forms of Parliamentary procedure afforded. On the other hand, were the supporters of this measure prepared to say that on a question affecting the religious divisions amongst us, they would legislate on one basis for Manchester, and upon other bases for Liverpool, Leeds, and Birmingham? Such were the difficulties of the case, that he confessed he had great doubt whether a local Bill of this kind should be entertained in the present case. But at the same time he would not go so far as to say that no such local Bill should be entertained. He felt, in the first place, that Manchester, on account of the energy and intelligence of its inhabitants, and on account of the vigilant attention they paid to all public discussions, had the greatest claim upon the respect and attention of that House. And there was no case in which the inhabitants of Manchester could have a greater claim on the attention of that House than in the present one; because he agreed entirely with all that had been said by preceding speakers of the honour and credit due to the promoters of this measure, for the patience and the vigour with which they had laboured to overcome and conciliate differences of opinion for the great purpose of promoting public education. They could not then go into the difficulties that attached, he thought, to many clauses of this Bill. There were many parts of the Bill in which he could heartily agree; there were many other parts of it in which he could not do so, but respecting which there appeared to be a difference of opinion even amongst the people of Manchester; and there were other parts of the Bill to which he had an insuperable objection. This was a measure to which the attention of the House should be called as fully as to any other measure submitted to them during the present Session of Parliament; and it was as great an anomaly to have a local Education Bill for Manchester, as to have a special Parliamentary Reform Bill or Franchise Bill for Manchester. Therefore he should support the Amendment of the right hon. Gentleman (Mr. M. Gibson). He was not aware whether the business or arrangements of the House would permit it, but his object would be fully attained if this Bill were altogether discussed as a public Bill on the second reading. It was notorious that in the case of a private Bill brought forward on the application of ratepayers, it was almost conclusively settled on the second reading, or it was sent to a Committee, and it was left with them to deal with the details. This was too important a Bill to be treated in that way. It was admitted that in this case there was a deviation from the usual course of proceeding, and before they assented to the principle of the Bill they should know what was the course spoken of. He put it as a point of fairness to his hon. Friend (Mr. W. Patten), that before a Bill of this nature was read a second time they should know what security there was for the future discussion of its provisions. The discussion of a measure of great importance, under the title of a private Bill, was a matter of so much moment and of so much danger, that they ought to look a little around them, and see at what point they were likely to arrive. It was perfectly plain that if this system were allowed to prevail, the whole scheme and form of legislation for the country might be thrown into confusion. If Bills were passed through Parliament as private Bills, and escaped on that account the attention of the House, they would prejudge one by one every important question: and when the House subsequently came to discuss those questions in a general and comprehensive form, it would find that its hands were already tied by decisions obtained from it unawares on private Bills. They had already two examples of this nature in regard to the town of Manchester: in one case having erected the collegiate church of Manchester into a cathedral, and put it under the general law of cathedrals, the House took it out of that category, and remodelled it by a private Bill. They had dealt with the chapter and cathedral by a private Bill, but they had brought into existence the bishopric of Manchester by a public Bill. In the other case his right hon. Friend the Member for the University of Cambridge (Mr. Goulburn) had introduced, as a public Bill, a measure for regulating the bonding system in Manchester; but last year that public Bill had been repealed by a private Bill. He wished to have a full discussion of this measure before it went to the Committee, and also that they should know beforehand what course it was to take after it passed the second reading, because their votes on the second reading might be regulated by that course. It was a great hardship to parties who desired to oppose a Bill of this nature, that they should be obliged to oppose it by counsel and agents before the Committee. This was a question of public principle, and the rule was, that when they were discussing matters of high public concern before the House, the country should bear the expense. In the present case, there was a great body of promoters, and they did not complain of the expense; but a person should have the power to oppose a Bill of this kind without being put to expense in doing so. Instead of discussing the question as they then were, when one-fourth of the Members of the House were not aware of the nature of the Bill, they should have early attention drawn to every point it contained, and they should know what course it would take if it passed the second reading. He should be glad if the Amendment of the right hon. Gentleman (Mr. M. Gibson) was to the effect that the Bill should be discussed as a public Bill on the second reading. The Amendment that had been proposed by the right hon. Member for Manchester would at all events have the effect of calling attention to the subject. This was important, not with a view to risk the Bill by delay, but for the sake of doing what they could to bring this measure into the position of prominence which it ought to occupy. He would, therefore, give his vote in support of the proposition of the right hon. Gentleman.

Mr. CARDWELL hoped that neither high authority nor great ability would be successful in defeating a measure of this kind on dilatory pleas which he thought he could show were in their nature purely technical, and in their operation entirely inconsistent and opposed to one another. There came before the House 40,500 persons, ratepayers of Manchester and of the adjoining districts, including the bishop, dean, chapter, and clergy, the Independent ministers, the Wesleyan ministers, and almost, if not altogether, every denomination, constituting the majority, both in numbers and value, not merely of the whole community, but of every particular district of the community, and they were all in favour of the Bill. [Mr. Bright: Subject to inquiry.] Subject to inquiry—then go into Committee and inquire. Upwards of 40,000 ratepayers had signed the petition, and when they came before the House on the second reading of the Bill, how were they met? Not by argument against the principle of the measure, but by two dilatory pleas. The two Members of Parliament for Manchester, speaking against a majority of the ratepayers of Manchester, claimed that the Bill should be delayed for this reason—that the corporation might have an opportunity of considering it, while, in fact, the Bill had been before the public of Manchester for the last two years. [Mr. Bright: The plan, not the Bill, which is a different thing altogether.] Not different altogether. If there were any difference of detail, that would appear in the Committee. The plan had been more than a year before the corporation of Manchester, and they had every opportunity of presenting petitions on the subject. They might have a very great respect for the opinions of the corporation of Manchester; but their own Standing Orders were of more importance, and although the corporation of Manchester might appoint a particular time for the consideration of the Bill, it was by the Standing Orders of the House their proceedings should be regulated. His right hon. Friend who just sat down (Mr. Gladstone) took also a technical objection, and of a different kind. He said they should call public attention to the subject by making it a public Bill; and he asked why they should then debate a Bill of this kind when there were gentlemen attending outside to promote the passing of Water Bills. He (Mr. Cardwell) appealed to the House if there could be a better opportunity for dispassionate debate than the opportunity now presented. What better time could be selected than Twelve o'clock on the first Wednesday of the Session for such a purpose, after special notice given the day before at Five o'clock? If his right hon. Friend wished to debate this question in detail, on public principles, let him wait until the Bill came down from the Select Committee. He might then move that it be referred to a Committee of the whole House, and there would thus be a double argument—they would have an argument upstairs, where the interests of Manchester would be considered, and they would have an argument in that House with regard to the public objects of the Bill. It was said that they should not legislate on the question for Manchester alone; but what answer was that to the people of Manchester, whom they praised so justly for their laudable exertions on this subject. Had they no experience of the fruitless endeavours to make an Education Bill a general Bill? A plan for promoting secular education was brought forward by the hon. Member for Oldham (Mr. W. J. Fox), with consummate ability, and the House rejected it because it was not a Bill involving religion. But they had some experience of the fate of Bills involving religion. Did they forget the Bill of his right hon. Friend the Member for Ripon (Sir J. Graham) in 1843?

His right hon. Friend the Member for the University of Oxford (Mr. Gladstone), was a Member of the Government on whose behalf the right hon. Baronet the Member for Ripon propounded that measure. It was a strong Government, and it was no inconsiderable advocate who took the management of that Bill; and what did the people of Manchester find? They found that a whole generation of children had grown up in ignorance and vice since that Bill had failed in that House. When they saw that the most consummate ability could not obtain for them a system of education either secular or scriptural, then they asked for permission to avail themselves of the only means which Parliament laid open to them, namely, to bring forward a Bill peculiar to Manchester, and take upon themselves the whole responsibility of going on with it. That was the case at present; and they had matured a Bill which, in their belief, secured the valuable advantages of good secular and religious education, and was free from objection. The corporation would have seven days to petition against it, and if any person objected to it after it passed through the Committee, he could move that it be referred to a Committee of the whole House. In short, they would have every opportunity for fair discussion, and yet they were now called upon by a dilatory plea to resist the second reading of a Bill which was promoted by a large majority of the inhabitants of Manchester.

Mr. W. J. FOX said, he would not have thought it necessary to say anything after the lucid speech of the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone), were it not that an impression might have been produced by what was said by the hon. Member for North Lancashire (Mr. W. Patten), and the hon. Member for Liverpool (Mr. Cardwell), that there was something approaching to unanimity amongst the religionists of different persuasions in Manchester, on the subject of this Bill. That, most assuredly, was very far from being the case. The Catholic priesthood of Manchester, the Jews, and the Society of Friends in Manchester, had all remonstrated and protested against the provisions of this measure. There were also other rival societies in the field, and out of three public meetings held on the subject, one only was in support of this measure, and two were hostile to it. It was said that the majority of persons on the rating-books had signed the petition; but it should be remembered that there was a large body of people in Manchester, liberal-minded men, interested in promoting education, and willing to make great sacrifices so that something was done, who in signing the petition did not by any means declare that they did not equally or more approve of some other scheme. They had signed the petition in order that some plan or other might be adopted; and if he had been accurately informed, an absolute majority of the people of Manchester had petitioned for a rival and competitive plan. And though they might not be considered as influential as those on the books of ratepayers, yet they belonged to the class on which the provisions of the Bill were likely to operate. They belonged to the working classes, whose children were to be sent to school, and it was important that in passing any Bill they should have their assent and co-operation. There were two large education associations in Manchester: one of them proposed the present measure, and the other preferred a different scheme. These were the persons who preferred the secular plan—men who had bestowed pains and labour on the matter, and who might in that respect be compared to the promoters of the Bill, whose painstaking qualities he should not by any means attempt to underrate. Besides, there was that large body of persons—the voluntary educationists—who had a title to be heard on the subject. He had received a letter on the preceding day expressing surprise at the rapidity with which the Bill was hurried on; and the writer expressed the determination of himself and those who co-operated with him to give it as much opposition as they could, and hoped that an opportunity would be given them of opposing it. The right hon. Gentleman (Mr. Gladstone) had referred to the inconvenience of discussing a public measure as a private one. There were principles involved upon which Parliament and Government hesitated; but those local authorities had rushed in prematurely to settle them, while they were looking forward to some more general measure to be introduced by the Government itself. He (Mr. W. J. Fox) was not opposing the Motion on religious grounds. Whatever his own opinions might be as to the best mode of solving the education question, he had no desire to oppose the wishes of any locality if they were unanimously anxious to have religion interwoven with the system. He should be exceedingly happy to promote such a measure, and he thought it would be a great benefit to the community to have a union of feelings and thoughts on such an important subject. He did not object to it on that ground, but on the ground that they were not fulfilling the conditions which had been laid down by the noble Lord at the head of the Government in the last Session of Parliament. The noble Lord had said that two things were necessary: first, that the education should be religious; and, next, that they should do no violence to the conscience of any person. So far as he was concerned with the provisions of the Bill, he must say there were conscientious classes to whom it would be objectionable. What would be the consequence of establishing such a measure as this in Manchester on the eve of a more general measure? They would go forward with a Bill for the exclusion of the Jews and Roman Catholics, and against which the Society of Friends had protested. The result must be heartburnings and the excitement of something like the Church-rate agitation, and the great question of education would be prejudiced. They would destroy the humanising feelings and the grateful expectation with which a measure of education would be looked for, and they would throw the people of a great and populous district into a state of mind that would be unfit for the reception of that benevolent measure which they might expect was in preparation. He hoped the second reading of the Bill would be so arranged that it would come fully and fairly under consideration.

Mr. HUME said, as an ardent supporter of education, he must appeal to his hon. Friend who had charge of the Bill whether standing on a matter of form was calculated to advance the common object? Could the delay of a few days affect the great principle so unanimously adopted with respect to the necessity of promoting education? He held an entirely different opinion from those who regarded this Bill as being of the nature of a private Bill. He had ventured last night to call the attention of the noble Lord at the head of the Government to the Bill, stating that it appeared to him to involve a great public question which it was not proper to discuss on a private Bill, and expressing the hope that the noble Lord would be in his place when the measure came on for discussion to-day. He regretted that the noble Lord, being otherwise engaged, had been prevented from attending. He would tell the hon. Member for Liverpool (Mr. Cardwell), that so far from this being a fit and proper time for entering on the subject of the Bill, the question of education ought not to be discussed except in the presence of the First Lord of the Treasury and of the Secretary for the Home Department. It was altogether an interference with the private business to introduce the subject on the present occasion. The question involved in the Bill was the great question, whether education should be carried on by means of a rate imposed on the community. He was one of those who held that the whole community ought to be educated by means of a rate on property; for education, in his opinion, was as much required by the general interest as perhaps the law which compelled property to give the destitute physical support. The Bill was intended to affirm the right to tax the property of the community at large for educational purposes at the request of a certain proportion of the community; but of the 40,000 who had signed the petition presented in favour of the Bill, he understood that a large number had signed on the ground that it was a petition for education generally. No open public meeting had expressed an opinion in favour of the Bill; admission to the meetings which had been held was by tickets alone. His objection, however, to now proceeding with the Bill was, that the question ought to be dealt with by Government; and, after the declaration of the noble Lord two nights ago, that it was the intention of the Government to take up the subject, he thought it would be premature to enter on the consideration of the Bill before the House.

Sir FRANCIS BARING admitted the great importance of the Bill, but thought it was exceedingly desirable that the noble Lord at the head of the Government, and also the right hon. Gentleman the Secretary for the Home Department, should be in the House when the measure was under discussion. He was of opinion that it would be of advantage to postpone the second reading, and, with the permission of the House, he would move the adjournment of the debate to Wednesday next. [*Cries of* "This day fortnight."] No. What he thought fair was to leave the question in debate undecided only until his noble Friend should be in his place.

Debate *adjourned* till *Wednesday* next.

NEW RIVER COMPANY BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Mr. COWPER said, he had to express his regret that he should be under the necessity of opposing this Bill. His objections went rather to its principle than to its object. His main objection was, that the Bill contained a clause which enacted robbery and plunder. The Bill professed to improve the supply of water received from the New River Company; and if it were desired only to improve the supply of water, he would not offer any opposition. But the Bill gave the company power to take water which did not belong to them. It gave them power to take a portion of the river Lea, and the whole of one of its tributaries. For a great many years the property of the Lea had been admitted to rest in the river Lea trustees. A question had arisen between the river Lea trustees and the New River Company relating to the amount of water allowed to be taken from the river Lea; and it had become the subject of a suit in Chancery. If the clause to which he objected in the Bill were to pass, the company would acquire a right to which they had no claim. The money which would be wasted in the proceedings before a Committee might be better applied to the improvement of the navigation of the river Lea. There was another reason for which he asked the House to refuse a second reading to this Bill. The New River Company had at that moment two Bills before the House; and the other Bill—which had been brought forward last year, to enable them to make such improvements as might be necessary in the distribution of the water—would give them all the powers they required. The hon. Gentleman concluded by moving that the Bill be read a Second Time.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Sir EDWARD COLEBROOKE said, that he had been requested by the promoters of the Bill, in consequence of the absence of the hon. Member for Scarborough (Sir J. Johnstone) and another hon. Gentleman who had charge of the Bill, to watch the proceedings at the present stage of its progress. The argument of the hon. Member for Hertford (Mr. Cowper) rested mainly on the ground that the Bill interfered with suits at law now actually pending. He had been informed that the company were not aware that any suit was pending, for Vice-Chancellor Turner had rejected the petition of the trustees of the river Lea, but during the interval which had elapsed since that statement was made to him, that is, within the last two hours, the first step had been taken towards commencing an action, notice having been given. Was it fair, then, to prevent the promoters of the Bill from bringing their case before a Committee of that House, or to prevent the inhabitants of the metropolis from deriving the advantages they would obtain from this Bill? There were other interests to be considered besides those of the trustees of the river Lea—the supply of water to 87,000 houses would be affected by the decision of the House.

Major BERESFORD said, that as one of the Members for the county of Essex, he had looked into the trusts of the river Lea. He found that under several Acts of Parliament the trustees had exercised their rights not as a speculative company, but for the purpose of doing justice to the objects of the trust, and preserving the navigation of the river Lea in serviceable order. If any surplus remained, they applied it to lowering tolls or otherwise for the public benefit, because the trustees did not desire to accumulate money for their own advantage. They thought it unjust that they should be dragged before Committees to expend the produce of their tolls in defending property protected by Acts of Parliament. When certain rights had been conferred upon them by such Acts, it was not fitting that they should be told those rights were to be taken from them in favour of a private company. It was almost insinuated by the promoters of the Bill, that the trustees of the river Lea had never obtained an injunction in the Court of Chancery; but the fact was that an injunction had been obtained at one time, but the New River Company having altered their tactics, the trustees were advised to go to a court of law to recover damages. Therefore, whether the notice of the action was given on that day or a month ago, made no difference. He trusted the House would at once reject the Bill, on the ground that it was an invasion of the rights of the trustees of the river Lea, and an interference with questions submitted to the highest court of judicature in this country.

Mr. HUME thought the House ought to decide this matter in accordance with the Resolution it adopted on the 1st of

August last, to the effect that this and other Bills mentioned therein should be allowed to proceed next Session to the stage at which the proceedings respecting them had been brought last Session. Those Bills should be passed through their earlier stages *sub silentio*, and as a matter of right.

Mr. FORBES MACKENZIE said, he had acted as Chairman of a Committee to which, three years ago, had been referred a Bill relating to the river Lea navigation, and having for its object the improvement of the navigation for the public good. The trustees were compelled to incur great expense; but it was obvious that if the tributary stream were taken away, so great a quantity of water would be abstracted as to occasion serious detriment to the property of the trust. He should, therefore, support the Motion of the hon. Member for Hertford (Mr. Cowper).

Question put, "That the word 'now' stand part of the Question."

The House *divided* :—Ayes 80; Noes 54: Majority 26.

Main Question put, and *agreed to;* Bill read 2°, and *committed*, and referred to the Committee of Selection.

SUPPLY—EXCHEQUER BILLS.

Mr. CORNEWALL LEWIS moved that the House resolve itself into a Committee of Supply.

House in Committee.

Mr. HUME wished to know what had been the rate of interest which the Exchequer Bills had borne during the last year?

Mr. CORNEWALL LEWIS replied, that the rate of interest during the last year had been 1½*d.* per diem.

Mr. HUME would merely ask, further, whether the time had not come when the state of the money market would not admit of a lower rate of interest?

Mr. CORNEWALL LEWIS said, in the absence of his right hon. Friend the Chancellor of the Exchequer, he could not give an answer to the question of the hon. Member for Montrose.

Mr. W. WILLIAMS would submit that the time had come when the public were entitled to have the interest on Exchequer Bills materially reduced; and said he must express his regret that the right hon. the Chancellor of the Exchequer was not in his place to explain the course he intended to take in the matter.

Mr. CORNEWALL LEWIS said, his righ hon. Friend the Chancellor of the Exchequer was unavoidably absent from the House in consequence of being required to attend the Council to-day.

Mr. W. WILLIAMS thought the House ought to be informed at what rate of interest the Exchequer Bills under consideration were to be reissued.

Mr. CORNEWALL LEWIS said, the Vote he asked the Committee to come to did not at all bind them with regard to the interest, but merely related to the making good those Exchequer Bills which had been already issued.

Mr. HUME said, he would avail himself of the opportunity on the bringing up of the Report of the Committee, to ask for information respecting the rate of interest.

"*Resolved* — That a sum not exceeding 17,742,800*l.* be granted to Her Majesty to pay off and discharge Exchequer Bills, charged on the Aids of 1852 unprovided for."

House resumed.

VENTILATION OF THE HOUSE.

Mr. BERNAL OSBORNE: Sir, the Motion of which I have given notice, to consider the evidence given by Dr. Reid, at the bar, relating to the ventilation of the House, may not be worthy of the attention that other subjects which come under the consideration of the House may demand; but I hope the House will consider the great wear and tear of constitution to which Members in the constant habit of attending this House are subject. When we consider the large per centage of Members who regularly attend their Parliamentary duties for six months in the year, I think I am entitled to some support in drawing their attention to this subject, and I trust that my Motion will meet with their approbation. It was said by the late Sidney Smith, with reference to the practice of locking up passengers in railway trains, that no attention would be given to that subject until some great dignitary of the Church was roasted in a railway carriage. I am of opinion that until some of the more robust Members who now occupy the Treasury benches are ventilated into another place, or some of the Members of the country party on the opposite side of the House are stifled, we shall have no remedy for the crying evils to which we are now subject. Now it has been proposed to send this subject to a Committee; but I am prepared to prove that the bad ventilation is neither attributable to Dr. Reid nor to Mr. Barry. The truth is, that all the mischief occasioned in this building has been entirely created by Committees of this House. They have undertaken subjects which they did not and could not understand. They have been unable to go into the details; and I very believe, if the building of this House and all the details had been referred to the House of Assembly in Jamaica, the matter would have been much better managed than it has been by Committees of this House. If hon. Gentlemen who were not in the House on Friday last, when Dr. Reid was examined, will look through the evidence which that gentleman gave, they will find that the defective arrangements with respect to ventilation all spring from one simple cause, namely, a divided authority. I will venture to quote to the House an opinion given on this very subject by one of the most remarkable men of the age—I mean the Duke of Wellington—who appears to be endowed with a faculty of universal application, and to be equally ready whether the subject be ventilation of a room or the conducting of a war. In 1846, the works in the building of the other House of Parliament came to a stoppage, and were actually suspended for ten months in consequence of a difference between Dr. Reid and Mr. Barry. On the 31st March, 1846, the Duke of Wellington warned the House of Lords not to enter into any proceedings on the ventilation of their chamber without there was a thorough understanding on the subject with this House. Their Lordships did not choose to act on that very sensible advice, and all the inconveniences from which we are now suffering arise from not attending to it. Dr. Reid's first complaint is, that he has not sufficient authority for the ventilation of this House. Now, I want to know how far Dr. Reid's authority does extend? It appears that his dominion only extends to the inner lobby, not to the outer lobby, nor to the libraries. It is abundantly clear, from his evidence, that the questions of ventilation and of lighting cannot be disunited. They are too intimately united to be placed under two different managements. Without entering into any detailed criticism as to the formation of this House, I will venture to say that the very first idea that would strike a foreigner on looking at the interior would be, that the edifice was built before the window tax was taken off, and that the windows were constructed merely for the purpose of evading that impost. But the deficiency of light in the interior is amply compensated for by a most abundant number of lights in the exterior of the House—a number that is sufficient to astonish any man. I took the opportunity last night of going upon the roof of the House in order to see the whole system of lighting. Dr. Reid informs me, that in the original plan by which he proposed to light this House, it was arranged that there should be no gas in the inside of the House at all; but that it should be entirely lighted from the outside. Now, I think we might remove these painted windows, which I take the liberty of saying on competent authority are bad in point of heraldry—mere daubs, as I believe, and more; for I go further—I believe that, having consulted a man rather eminent in optical science, it is a bad light for the eyes of the Members. It is an atmosphere of rainbows, in the first place. What is the consequence? We are obliged, even in the morning sittings to have gas lighted. There is another question which arises from perusing the evidence of Dr. Reid. Hon. Members, perhaps, may be aware, that those two enormous towers, called the Victoria Tower and the Clock Tower, were originally intended to be used as channels for the ventilation of this House; but at present neither of them performs any such function. The Victoria Tower is prohibited from being used for that purpose, and in consequence of the state of the vaults under the Clock Tower, it is equally useless in that respect. These things have all been stated before, but they have never been remedied, for, of course, it was "nobody's business" to do so. [An Hon. MEMBER: The Woods and Forests.] The Commissioners of Woods and Forests deny that they have anything to do with it. Now, Sir, I do think the House should support me in carrying some resolutions which I shall submit to their notice. As to the present system of ventilation, the House may not be aware that there is a considerable leakage going on from the gas pipes connected with the House. Now, I am informed that the proportion of carbonic acid that escapes in the ordinary consumption of gas is as one in a thousand; whereas, in this House, the escape is one per cent: so that we are sitting in an atmosphere in which the carbonic acid gas is as one in a hundred, instead of one in a thousand. In fact, so oppressive was the state of the atmosphere last night, that my hon. Friend the Member for Montrose (Mr. Hume), who can stand draughts of all sorts as well as most men, was obliged to leave the House, he was so oppressed with the state of the atmosphere. I, myself, also suffered severely: my eyesight was affected by the lights and by the tremendous draughts of cold air constantly coming in. At this moment, I will venture to say that the thermometer on the floor of the House shows a different result from that where I stand at present. In fact, last night I saw an experiment tried with regard to these lights. The thermometer in the gallery, with the light directly shining upon it, was a little above seventy degrees. We placed a hat before it, so as to intercept the rays of light, and in less than a quarter of an hour it fell considerably more than two degrees. That will give some idea of the effect of the light on Members sitting in the gallery. Now, having said this much with regard to the comfort, health, and convenience of the Members of this House, I think there is another party to be considered. We apportion a part of this House for the convenience of the public—I mean the strangers' gallery. Now I will take upon myself to say, that the strangers' gallery is one of the most abominable places of punishment that could possibly have been constructed. Sir, as to strangers sitting at the back of that gallery, it is impossible for them to see more of the House than yourself and four Members in your immediate neighbourhood on each side of the table. But there is another evil, greater than that. From the circumstance of their being on a level with these lights, the effect is, that the pupil of the eye becomes contracted to such a degree, that it is totally impossible for them to distinguish anybody. Sir, I thought I knew the respected Deputy Sergeant-at-Arms, Mr. Clementson. But, from the strangers' gallery, I could not recognise him; and, as to your own well-known features, I had the greatest difficulty in distinguishing them. I therefore, on the part of the public, call for some mitigation of these evils and inconveniences. I turn now, Sir, to those gentlemen of the press, those valuable members, as I may call them, who report our debates. I am satisfied that the health of these gentlemen and their eyesight will be seriously impaired, if not altogether destroyed, if the present system of ventilation and lighting be continued. I will go a step higher—to the ladies whom you have condemned to that miserable place yonder, which is something between a birdcage and a tea-caddy. The external decorations resemble the former, and, to my great astonishment, on visiting the place last night, I found that a partition, reminding me of the latter, had been run across the apartment. so as to render the dimensions of each compartment so small that the occupants would scarcely be able to breathe freely. I can only account for the appearance of the place by supposing that Mr. Barry, in his love for Gothic architecture and ideas, must have had some of the stories of Gothic monasteries in his mind, and contemplated on some future occasion, the bricking up of some of these poor unfortunate ladies. No one can have any idea of the misery which those poor unlucky ladies are called on to undergo in that miserable birdcage without going to see its interior arrangements. Now, in making these remarks, it is not my object to attack either Dr. Reid or Mr. Barry. I believe that both those gentlemen are most eminent in their respective lines. I do not take exception to the arrangements of both Houses; but the fault does not rest with Mr. Barry. Nobody has a right to complain of Mr. Barry; but everybody has a right to complain of the Committees of this House under whose directions those arrangements have been made. We have done the whole of the mischief, and we alone are responsible for it all. In a letter which I have received from Dr. Reid, he desires me to state to the House that he has no personal quarrel with Mr. Barry, and that his only difference with that gentleman has reference to scientific subjects. But I do not see why, because there is some difference between Mr. Barry and Dr. Reid, that we should be alternately roasted and boiled in this House. Dr. Reid said the other day, at the bar of this House, it was in his power to remove the lesser evil; and I think the House has a fair right to ask if he has done so. But I find that since the House met this very day, the powers which he had have been taken out of his hands, and that one side of the House is under one management, and the other side under another. Hon. Members will perceive that the lights on one side are differently arranged from those on the other, and I perceive that the lamp over the Treasury bench is still dripping a shower of water. The consequence is that the atmosphere is very disagreeably oppressive on one side of the House, whilst it is different on the other. But Dr. Reid has done something.

In the first place, he has had the floors scraped, and a great quantity of oil, which was so obnoxious to breathe, taken off them. He has also had some offensive sewage water removed from the vaults. The gas lights have been removed from the division corridors because they were not ventilated, and consequently acted injuriously on Members. The ventilation of the House has also been altered, so as to admit of the direct removal, at least, of all the leakage from the gas lights. That is what has been done; but at the same time it is a mere trifle, and something more is required to be done. Hon. Gentlemen will naturally ask, what more can be recommended? I feel myself perfectly convinced that we shall never have a proper state of the atmosphere in this House until you put the whole system of ventilating, lighting, and warming the House under one responsible head. I, myself, don't know sufficient of the merits of the question to say what should be done; but, I say, let there be one man to do it who understands the matter. I believe Dr. Reid to be a very able man, and one who perfectly understands the science of ventilation. Other Gentlemen may have their opinions upon that point; but all I urge on the House is to put the whole arrangement of ventilating, warming, and lighting under one authority. With regard to the subject of lighting, there have been extraordinary differences. The old House of Commons was not lighted by Dr. Reid, but by Mr. Gurney. The present House is lighted by Mr. Barry. Now, Mr. Barry may be a good architect, but I don't think he understands the subject of lighting. Dr. Reid is not allowed to go into the libraries. He is only allowed to come into this House to ventilate, and not to have anything to do with the lighting. I believe a Committee would only obfuscate the matter; and therefore it is that I would propose the Resolutions of which I have given notice.

Sir J. PAKINGTON said, he rose to second the Resolution which had been proposed by his hon. Friend, to whom, he thought, the House ought to be much obliged for the pains he had bestowed on this subject. But he thought his hon. Friend had fallen into two mistakes. In the first place he talked of the prospective fate of the robust Members of this House if the present state of things was continued; but he (Sir J. Pakington) was of opinion that if the present system of lighting and ventilating was not changed, there would soon be no Members at all in the House. Again, his hon. Friend supposed a foreigner, on visiting the House, coming to the conclusion that it had been constructed with a view to evade the window tax; but he (Sir J. Pakington) could not understand that the window tax would have been imposed on windows that gave no light. Whatever might be the differences between Dr. Reid and Mr. Barry, for whose abilities he entertained the highest respect, he must say that, looking at what Dr. Reid had done for them in the old House of Commons, that gentleman was entitled to very great credit from the Members of this House. He (Sir J. Pakington) never in his life entered any room the temperature of which was more admirably regulated throughout the different seasons of the year than in the old House of Commons. He had watched the thermometer in the old House, at the back of Mr. Speaker's chair, at intervals, both in January and in June, and he did nnt remember to have seen it vary to the extent of four degrees above or below 64 degrees. From the experience which hon. Members had had of the present House during the last three or four days, he thought it utterly impossible they could attend to their duties in it unless some change took place. He was of opinion, with their old friend Sir Frederick Trench, that there was no light equal to that given by wax candles, but hoped, if they were to continue the system of gas lighting, that some very decided improvements would be made in the present system.

Motion made, and Question proposed—

"That Dr. Reid be authorised to complete such temporary arrangements as are imperatively necessary at present for the maintenance of a better atmosphere during the Sittings of the House."

Lord SEYMOUR said, he could not but admit that the ventilation of the House was very imperfect, and the lighting also; but the best thing they could do was not to inquire into the original cause of the evils, but into the mode by which those evils were to be remedied. As for himself, he had had nothing to do with the arrangements of the House until November last; and so long ago as 1846 it was decided that Dr. Reid should ventilate the House of Commons, but that the rest of the building should be left to Mr. Barry, who had been selected by the House of Lords to ventilate their House, in which he supposed the House of Commons could not interfere. He found that they had already expended on that House, for Dr. Reid's system of ventilation, 46,000*l.*; and, having expended so much before the year 1846, it was proposed that a great part of this ventilation should be abandoned, and the rest of it made applicable, as far as possible, to the remainder of the House. He found that, in addition, there had been further sums expended for the same object, which made the whole sum spent by Dr. Reid 57,800*l.* Besides that, they had given Dr. Reid a staff which cost 1,300*l.* a year, exclusive of three temporary assistants, who were granted to aid him. Dr. Reid came to him some time ago, and said he was totally unable to go on unless he had the assistance of three assistant engineers; and accordingly he had them. Before the Session commenced, he (Lord Seymour) came down to look in what condition the House was. The first thing he saw was a powerful steam-engine, which was required for some purpose connected with the ventilation, but which, Dr. Reid told him, would not answer its purpose; and when this engine was at work it made such a noise that it would have been difficult for any Member, to make himself audible. He was, therefore, obliged to send to Liverpool at once to order another steam-engine to effect the purpose Dr. Reid required, with less amount of noise. On that occasion he thought it desirable to see the lighting and ventilation at work, for he had some doubt in his own mind whether the ventilation would not put out the lights. He had not been long in the House before some firemen rushed in to ask if the new palace was on fire. The shaft Dr. Reid had erected gave out such a great heat, and threw forth such showers of sparks, that the firemen came in alarm to ask if the House was burning. He confessed he was considerably alarmed, too; and he told the men employed and the clerks of the works that they should not leave the place, for he had no security that a conflagration would not ensue. It was now proposed, rightly as he thought, that the ventilation and lighting should be placed in the same hands. The ventilation was put under the care of Dr. Reid, and he had been paid under the impression that he was superintending the lighting; but he (Lord Seymour) found, on inquiry, that that gentleman had had nothing to do with it, but that a short time before the House met, Mr. Faraday had been employed under Mr. Barry in arranging the lighting. He (Lord Seymour) believed that if he had interfered in these arrangements, they would have had no lights at all, and he therefore had left the lighting under Mr. Faraday, acting under Mr. Barry. As to the system of ventilation they had heard a good deal of complaint with regard to the drains and the state of the air channels through which the supply of air was borne. He could only say he believed every arrangement Dr. Reid had put on paper, and had sent in to Mr. Barry, had been complied with. Now, he really wished to state the case between Dr. Reid and Mr. Barry fairly. The point he desired to put was this: Had any requisition been made by Dr. Reid to Mr. Barry on paper which had not been complied with? He found nothing but general statements on the other side, which went to this, that Dr. Reid required more authority and greater powers; but he could not find any statement of anything Dr. Reid had asked to be done which had not been done. He had also gone carefully through the system of ventilation established by Dr. Reid. He found, first, a chamber where the air was mixed; next, there was a larger equalising chamber where the air was brought in. The air was brought down from the top of the Clock tower. It was then taken nine feet below the level of the Thames, and there it was let loose into a large and spacious vault, which, from its position, was of necessity near a number of drains. The air passed through channels which were built up with moist damp walls, and in the neighbourhood of drains protected with pavement and cement. Although he did not profess to be acquainted with the science of ventilation, or would venture to express an opinion as to the best mode of treating air required for the refreshment of the House, still he could not but feel that keeping air enclosed in damp cellars, nine feet below the level of the Thames, did not tend greatly to improve either its sweetness or salubrity. When the House met last, he asked Dr. Reid to give in a statement of what he wanted done, and he made out a list of alterations which he said would not cost more than 300*l.*, which was sent in next day. The things he required to be done were, clearing the vaults and repairing the centre vault, the pavement of which had been broken by the removal of the heavy machinery Dr. Reid had brought there, and other small matters to which he need not refer. As to the removal of the products of combustion of lights in the corridors, he (Lord Seymour) had met that by dispensing with gas, and substituting wax candles, that hon. Members might not be troubled by the escape of gas. He had also ordered the people to put doors where they could, and in other places to put up large curtains, which Dr. Reid said would answer equally well. But hon. Members must see that all these precautions were very imperfect in a House with large passages and halls between it and the House of Lords, unless the ventilation of the whole was placed under one person. When certain demands were made on Dr. Reid, he said he was a medical man, and not competent to express an opinion upon architectural questions, and that not being an engineer he was equally incompetent to decide upon questions of machinery. It was evident, therefore, Dr. Reid could not exercise the sole control which was desirable, because he must be bound by the acts of others, over whom he could, as a medical man, have no power. He had sent to Mr. Barry to know if all Dr. Reid had required in his paper had been done, and found it had, except furnishing transverse and longitudinal sections of the drains under the House, which would require time to make, and the omission of which was not of so much consequence, as it would necessarily take time to make the required alterations. The real question was, what they would do for the future, and under whom they should place the ventilation of the House? If they were to place the ventilation of the House and of the lobbies under the same person, they must remember that there were pipes laid down in connexion with the portion of the building under Mr. Barry's control. Mr. Barry had a long room where he warmed the air; if they took away one-half of the building, and put it under the management of Dr. Reid, they must reverse all this machinery, they must alter these connexions, and build and make fresh ones, so as to do what Dr. Reid required. They must remember this was not like the old House, which was detached from the rest of the building, so that it could be ventilated by itself. If they wished to detach this building in the same way, they must alter the existing system altogether at a great expense. [MR. HUME: How much has Mr. Barry spent?] Mr. Barry had spent about 150,000*l.* But this sum included works done and buildings erected for Dr. Reid; they must remember Mr. Barry was architect as well as ventilator, and he could furnish them with the whole expense of what he had done; whereas Dr. Reid could only give them the actual expense of ventilation under his orders, unconnected with the sums laid out on building. Between the two about 200,000*l.* would have been spent on the very imperfect ventilation of the Houses of Parliament, whenever the works shall have been completed according to the estimates. He thought that the best mode of extricating the House from its present difficulty would be for it to appoint some competent engineer, who would be above any suspicion of partiality towards one side or the other, who would inform them what would be the best course to pursue. He would recommend the House not to agree to the Resolution of the hon. Member for Middlesex as it then stood, but refer it either to the Office of which he was the head, or, as he had suggested, to some person competent to give an opinion upon the subject. If they decided upon referring it to his department, he would be willing to undertake any trouble which the task might impose upon him, and endeavour, by such assistance as he might consider it advisable to call to his aid, to extricate the House from its present difficult position.

MR. HENRY DRUMMOND said, the matter was shortly this: Mr. Barry had spent 150,000*l.*, and had done nothing but mischief. The other man (Dr. Reid) had spent 57,000*l.*, and had not done as much as had been expected. The question was, whether it was possible to ventilate that room without having all the doors and passages under one control. That was not so difficult a question in science as it was for the interest of those gentlemen to make out. Each hon. Member consumed four cubic feet of air per minute, which would give about 2,400 cubic feet as the amount required for the consumption of the House. They must have that air fresh, and they must get rid of it from the House after it had been used—they must get into the House properly warmed air, and they must not warm it by the heat of their bodies. He would leave it to any Members if they ever knew a house in the country in which the halls and passages were not damp and cold in winter, so that persons ran shivering through them into the warmed rooms. The fact was, there never yet was an architect (and he had had a pretty extensive experience of them, from Mr. Wilkins downwards) who knew anything of ventilation. He thought they could not do better than give the noble Lord (Lord Seymour) a *carte blanche* to deal as he thought best with the question.

MR. BOOKER considered that the House was under great obligations to the hon. Member for Middlesex (Mr. B. Osborne) for the attention which he had paid to the subject. He (Mr. Booker) thought the people of England would be satisfied by the statement of the noble Lord that the House of Commons had been guilty of gross and profligate expenditure of the public money with very little result. The suggestion of the noble Lord (Lord Seymour) was an exceedingly valuable one. He (Mr. Booker) was perfectly willing to leave the subject in his hands, and considered that he might derive great assistance from the valuable suggestions which might be obtained from the present learned and able director of the Museum of Geology, Sir Henry De la Beche, who had paid great attention to the subject of ventilation.

SIR DENHAM NORREYS said, that ventilation made no portion of the science of geology, and that therefore Sir Henry De la Beche, whatever his acquirements as a scientific man and a geologist, would not be the most proper person to decide what was best to be done. The ventilation of the Museum of Practical Geology was by no means perfect. Dr. Reid had, at all events, kept his promise in ventilating the old House. He recommended the hon. Member for Middlesex (Mr. Osborne) to adhere to his Motion, and to call on Dr. Reid to make a statement of what he was prepared to do.

CAPTAIN FITZROY said, that when the question was last before the House, he was of opinion the examination of Dr. Reid would leave them just where they had been, and in that opinion he was now confirmed. It was necessarily an *ex parte* statement of what he could accomplish, and they had no guarantee the result he asserted would be arrived at. He would not press the appointment of the Committee against the feeling of the House, but would move, as an Amendment to the hon. Member's Motion, that the whole matter of ventilation, lighting, and warming should be referred to the head of the Board of Works, so as to rest all the responsibility on him, without associating in it any hon. Member of the House.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words, "the ventilation, warming, and lighting of this House be referred to the noble Lord the First Commissioner of Works," instead thereof.

SIR ROBERT H. INGLIS said, he should willingly second the Amendment. He was strongly convinced the House was not a proper tribunal to decide whether Mr. Barry or Dr. Reid should have the new palace, or a portion of it, placed irrevocably in his hands; and that the claims of the architect had not been sufficiently represented, for, though no words of disrespect had been used towards his character, there had been a very strong expression of feeling with regard to his rival. The House had certainly now a right to say they would consider their own convenience. The noble Lord the First Commissioner of the Board of Works might reflect whether it would not be better to get rid of the windows which gave no light. He would say nothing of the passages which led to nothing; but the object of windows was to give light, and, in his opinion, it would be far preferable to exclude the daylight, and have artificial light during their day sittings, than to deliberate in the artificial darkness which those windows created. When he considered the expense which the House had sanctioned in ventilation, without saying anything of warming and lighting, he felt that, whether as Committees or as an aggregate body, they would feel nothing but regret for the past. There had been no returns moved for. [Mr. HUME: Yes, I called for them.] Spirits from the vasty deep might be called; but would they come? No such returns had been made; and it must have struck the conscience of every man in that House that he had sanctioned such expenditure without inquiry. It would be best now to leave the matter to the despotic authority of the noble Lord (Lord Seymour) without any associate. Before he sat down he thought it right to say, that whatever the merits of the Mr. Faraday, mentioned by Lord Seymour, he was not the eminent Professor Faraday whose name was so well known to the world. He had every confidence in the noble Lord at the head of the Board of Works, who, during the short period which he had occupied his present position, had shown so much ability and attention to the duties of his office, and he would cordially recommend the House to leave the matter entirely in his hands.

MR. ROCHE rejoiced the House had taken the matter into its own hands, and had called Dr. Reid to the bar. The whole cause of the state they were in was, that Dr. Reid and Mr. Barry had been continually at loggerheads, and he was not sure but that the best thing they could do would be to dismiss them both.

MR. T. GREENE felt it due to Mr. Barry and Dr. Reid to state, that the expenditure had been to a great degree on other parts of the House, in the Committee-rooms, corridors, and lobbies, and included gas, fuel, steam, and assistants. He hoped the House would not hastily come to the conclusion that they would accede to the proposal made by the hon. Member opposite, but that they would leave the matter in the hands of the noble Lord at the head of the Board of Works, who had the same interest as every other hon. Gentleman in making the ventilation as perfect as possible, and who had every means of examining the subject carefully.

LORD HARRY VANE hoped the House would confide in the noble Lord (Lord Seymour), and not tie him down to the employment of any particular person, but place the full and entire management under him, so that he might consult whomsoever he thought fit. He agreed entirely with the hon. Member for Middlesex (Mr. B. Osborne) in thinking that the ventilation and the lighting of the House should be placed under the same authority.

MR. HUME said, the noble Lord (Lord Seymour) had expressed himself as entirely of opinion that the lighting and ventilation should be under one management. Now, that was just the effect of his hon. Friend's Resolution, which did not bind the noble Lord to any particular course; and he thought, therefore, it would be well for the House to agree to the Motion. It would be found that in 1845 and 1847 he objected to the whole course taken by the Government with regard to the new House, and he then advised that two individuals should be made responsible in carrying out the building, and that it should not be left to the authority of the First Commissioner of the Board of Works, who changed with every Administration, and had not time to attend to the duties. The consequence of the neglect of this advice might be seen in the extraordinary expenditure which they had heard that night. He should, to-morrow, ask the House to direct a return to be made, which would show the gross mismanagement that had prevailed from first to last in the building. He would not say so much upon the subject if he had not been one of the original Committee before whom Mr. Barry had been examined, when he (Mr. Hume) proved that that gentleman knew nothing about his own plans. As to the dispute existing between Mr. Barry and Dr. Reid, he had two years and a half ago taken the sense of the House on that subject; and he said then that it was disgraceful to allow that dispute—that no private individual would have allowed it if they had been in his employ; and he took the sense of the House as to whether it would not be advisable to remove both the architect and the ventilator. He entirely agreed with hon. Members in thinking that one individual should be made responsible for both the ventilation and the lighting. He hoped, therefore, his hon. Friend (Mr. B. Osborne's) Resolution would be agreed to, and that then it should be left to the noble Lord to call in what counsel he thought fit.

MR. PACKE thought it must be very clear, from the statement made by the noble Lord (Lord Seymour), that the large expenditure which he had mentioned was attributable to there not having been a written agreement with those who had been intrusted with the carrying out of the building.

COLONEL SIBTHORP always suspected what would become of matters intrusted to the head of the Board of Works; the fate of the marble arch had taught him to distrust that department. Supposing the Government were to be turned out, as he hoped they would be before long, who was to be responsible then, and what would become of the House?

MR. COWAN wished to call the attention of the House to an extract from a foreign journal, containing an account of a number of experiments on the subject of ventilation, which had been very striking in their results. The machine made use of was capable of producing ten times the fresh air which he believed was necessary for the supply of the House; and he should be most happy to communicate with the noble Lord (Lord Seymour), if the matter were placed in his hands. The extract to which he referred also contained some valuable hints as to the ventilation of mines and collieries.

MR. BERNAL OSBORNE, in reply, said, that one statement made by the noble Lord the First Commissioner of Works was not exactly true as regarded Dr. Reid. The noble Lord stated that 57,000*l.* had been spent by that gentleman in ventilation; but this was expressly denied by Dr. Reid, who said that since 1842 Mr. Barry had refused to give him any estimate of the expense of carrying out his plans, so that when this sum of 57,000*l.* was mentioned it was not known how much of it was expended in Dr. Reid's necessary apparatus, or how much in Mr. Barry's mode of applying it. From the *ex parte* statement made by the noble Lord, it was evident that the First Commissioner of Public Works was very liable to be influenced by the architect; and what security had they that the noble Lord (Lord Seymour) would not deprive them of the services of Dr. Reid (who had certainly ventilated the old House very well), and intrust it to Mr. Barry, whose ventilation of the House of Lords was abominable? He should, therefore, if he met with the support of the House, press his Resolutions to a division. He would be very happy to take upon himself, if Dr. Reid were allowed the temporary management of the ventilation, the responsibility that a pure and healthy atmosphere should be produced in that House; and he thought it a much more sensible plan if, instead of consulting some other person, who might perhaps suggest expensive alterations in the apparatus already fixed by Dr. Reid, that gentleman was called upon to enter into a bond, or to lay upon the table of the House exact estimates of what he proposed. Meanwhile, however, the health of hon. Members was being ruined. Ten years seemed almost added to some of their lives in one night—[*Laughter*]—but at any rate many hon. Members were suffering most acutely from the present ventilation. He almost fancied he saw many of his respected friends growing old under his eyes. He, for one, would be no party to any arrangement with Mr. Barry.

Lord SEYMOUR said, his hon. Friend seemed to think that he had been uncharitable to Dr. Reid in what he had stated. Now, the figures which he had quoted had been taken from a printed paper laid before the House on the 14th of August, 1850 [*Parliamentary Papers, No.* 650], to which, as far as he knew, no answer had been given; and he did not imagine that in reading from this statement he had offered any opinion which could be deemed uncharitable.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 96; Noes 68: Majority 28.

Mr. B. Osborne

Main Question put, and *agreed to.*

> "1. *Resolved*—That Dr. Reid be authorised to complete such temporary arrangements as are imperatively necessary at present for the maintenance of a better atmosphere during the Sittings of the House.
>
> "2. *Resolved*—That the warming, lighting, and ventilating of the House of Commons, and its Libraries, shall be placed under one responsible authority."

Motion made, and Question proposed—

> "That Dr. Reid be called upon to submit forthwith, a full Report of all the measures he considers essential for the health and comfort of the House, together with an Estimate of the probable expense, and the time which he would require for the execution of the works; also, to state specially what plan he would propose for the lighting of the House."

Amendment proposed, after the word "forthwith," to insert the words, "to the First Commissioner of Works."—[*Mr. Goulburn.*]

Question, "That those words be there inserted," put, and *agreed to.*

Main Question, as amended, put, and *agreed to.*

> "3. *Resolved*—That Dr. Reid be called upon to submit forthwith to the First Commissioner of Works, a full Report of all the measures he considers essential for the health and comfort of the House, together with an Estimate of the probable expense, and the time which he would require for the execution of the works; also, to state specially what plan he would propose for the lighting of the House."

POOR EMPLOYMENT (IRELAND).

Colonel DUNNE moved for a return of all Works, the execution of which were undertaken by the Board of Works, on the authority of the Lords Commissioners of the Treasury, under the Act 9 & 10 *Vict.*, c. 107, and of the certificates given, according to the 8th section of the said Act, to the Secretaries of Grand Juries in Ireland, of the execution of such Works. He had another Motion on the paper for a return of the amounts claimed from each electoral division on account of sums asserted to be due for the repayment of advances; but as the right hon. Chancellor of the Exchequer had promised to give it, he would abstain from now moving for it.

Mr. ROCHE seconded the Motion. What the Irish Members required was a clear bill of particulars with regard to the money advanced during the late famine. They had been charged with repudiation, and with acting an ungrateful part to the Parliament and people of Great Britain; but they only wanted to make it clear what Ireland had actually received. If it should be found that a great deal of the money debited to the people of that country had never been received by them, and that they had never been benefited by it, it was necessary to know where it had gone to. If by neglect or design there should appear to have been some confusion of accounts or some juggle, nothing was more natural than that the Irish Members should wish to show that the deceit or juggle had been none of theirs. He did not know more than one or two Unions that went the length of repudiating these debts altogether. But nothing was more monstrous and unfortunate than the manner in which the money was laid out, and this was done in spite of the remonstrances of every man connected with Ireland. It was, in fact, robbing the people of England without benefiting the people of Ireland. What the Irish Members said, therefore, was, "Don't saddle us with the responsibility of that expenditure now."

Mr. FITZSTEPHEN FRENCH regretted that the hon. Gentleman had not called for returns of the works commenced under the Act passed by Sir Robert Peel's Administration, the 9 & 10 *Vict.*, c. 1, which renewed the 1 & 2 *Vict.*, c. 21.

Sir L. O'BRIEN said, the mistake arose from calling these "works." They were not works at all; it was a mere clumsy machinery for distributing money among a starving population, which money the people of Ireland were now called upon to repay. The House was no doubt under the impression that value had been given for this money. Some lives were no doubt preserved during the famine; but let the House consider on whom the responsibility of saving those lives fell. The Government wished to throw the responsibility of repaying this money upon the gentry and landed proprietary, who did their utmost during the famine, and whose estates at the time of the famine were taxed as high as they could possibly bear. What further responsibility remained belonged to Parliament and to the Government. The landed proprietors of Ireland might be responsible in terms, but he did not think they were morally responsible for one farthing of this debt.

Mr. NAPIER knew of a case in Armagh which showed the necessity and importance of these returns being made. The Irish Members had a right to see the particulars of these works, that they might know what works were executed by the Board of Works, and what sums were expended without finishing the works at all for which they were advanced.

Returns *ordered.*

The House adjourned at a quarter after Five o'clock.

HOUSE OF LORDS,

Thursday, February 12, 1852.

Minutes.] Public Bill.—*Reported.*—Municipal Corporations Acts Amendment.

REFORM OF THE COURTS OF LAW AND EQUITY.

Lord LYNDHURST said, with reference to the Common Law Procedure Bill, he had read it over with great attention; and it appeared to involve questions so nice in their character, that the discussion of it in the House would be impossible, consistently with a due regard to the Bill itself; and he, therefore, suggested that it should be referred to a Select Committee, to be there discussed in the first instance. He might mention that, having compared it with the Report of the Commissioners on which it professed to be founded, there seemed to be a great omission in the Bill. The Commissioners had proposed a great variety of alterations in the practice in the Common Law Courts; and had followed up their recommendation with a schedule of fees to be paid in the progress of a suit. This revision of the fees could not but be regarded as an essential part of any measure; it was, however, omitted from the present Bill; and if the Bill were to pass without it, the result would be to produce in the administration of the law the greatest possible confusion; because the fixed system of fees—partly founded on statutes, and partly on the authority of the Courts—could not be applied to the course of proceedings suggested by it. It, perhaps, might be said that their Lordships could not, consistently with the privileges of the other House, send down a Bill enacting the payment of fees. But that was not necessary, according to the usual course of proceeding adopted by their Lordships; for when fees or any money clauses formed part of any measure originating with their Lordships, those clauses were—although introduced in the first instance, and agreed to in that House—always afterwards struck out on the third reading, but printed with the Bill; so that the other House could, of course, see what had been the intention of their Lordships upon the subject, and could exercise their own judgment as to the propriety of inserting the clauses. He would remind their Lordships, that if the other House inserted money clauses, their Lordships had no opportunity of altering them. The usual course would in this instance be for the benefit of the Bill, and he suggested that upon the Committee his noble and learned Friend could ascertain the fees suggested by the Commissioners, and move the reference of the Bill to a Select Committee.

The LORD CHANCELLOR said, it did not appear to him to be necessary to refer the Bill to a Select Committee; but he was not at all surprised that his noble and learned Friend should have suggested such a course; on the contrary, he had anticipated it, and he had no objection to that course being adopted. And as his noble and learned Friend had on a former occasion intimated an opinion that the Bill did not go far enough, if his noble and learned Friend would suggest any clauses carrying the reform further, he should be ready to give them his best consideration. But at present his impression was, that his noble and learned Friend would find it extremely difficult to do so. Since the subject was last discussed—when his noble and learned Friend had expressed an opinion that it might be possible to adopt the proceedings of the County Courts into the Superior Courts—he had made himself acquainted with what that course of proceeding was, and had found that there was a statement by the plaintiff in a general sort of way as to what was his demand, but there was no such statement on the part of the defendant as to what was his defence; and so the causes actually went down to trial without anybody knowing what the question at issue was. He did not know whether his noble and learned Friend really had been aware that such was the course of proceeding; nor did he know whether his noble and learned Friend thought that the heavy business of this country could be carried on on such a system—causes going down to trial without the plaintiff knowing what the defence was. It struck him (the Lord Chancellor) that it was probable their Lordships might not adopt that view. Their Lordships would recollect that (as had been stated by the former Commission on the reform of Common Law Procedure) formerly the greatest inconvenience, and injury, and expense were incurred, the "general issue" being allowed in almost all actions to put the plaintiff to the proof of everything in his case, material or not to the merits of the question really at issue. Great pains were taken to put an end to that system, and, unquestionably, considerable time was saved, and certainly great benefit attained, by the introduction of the New Rules (of 1835), which required that the defendant should state in particular what he meant to object or to rely on as his defence. If his noble and learned Friend was of opinion that the present Bill could be carried further, he (the Lord Chancellor) should be happy to receive his suggestions. As to the question of fees—it being the object of the measure to simplify the proceedings of Westminster Hall, and, as far as possible, to economise and expedite them, the Bill travelled through the whole course of a suit; and it was impossible to frame a list of fees before it was known what might be the opinion of their Lordships (especially of his noble and learned Friend), and until the Judges had been consulted as to what fees ought to be exacted, and the stages of the suit at which they should be paid. After the measure had proceeded a certain degree, he would be enabled to form a table of fees; which could not, indeed, go down to the House of Commons included in the Bill, but could, as his noble Friend had stated, be printed with the Bill, so that the other House would quite see the views and intentions of their Lordships on the subject.

Lord LYNDHURST said his noble and learned Friend appeared to have forgotten that the table of fees had already been proposed by the Commissioners, and formed part of the Report. With respect to the remarks he had made regarding the comparison between the Courts of Common Law at Westminster and the County Courts, his remarks were founded upon an assumption of fact. The County Courts had jurisdiction in certain cases to the extent of 50*l.*; and he was told (and had heard it from his noble and learned Friend himself) that the jurisdiction had been exercised to the entire satisfaction of the suitors. Now, his (Lord Lyndhurst's) remark upon that was, if in that class of cases in which jurisdiction was given to the County Courts, by the simple machinery to which he had adverted, no inconvenience had resulted, he could see no reason why the same machinery should not be applied in the Superior Courts of

Justice in the same class of cases to a larger amount. The whole argument, however, rested on the assumption that there had resulted no inconvenience from the County Courts' machinery, and that the jurisdiction had been exercised in a manner perfectly satisfactory to the suitors and to the public. There was a question to which he desired to advert, on a different subject, but still connected with the administration of the law. He found by the Votes of the other House that the Bill for the Reform of the Court of Chancery, which had been the subject of so much conversation, was to be laid on the table on Monday next. He wished to ask his noble and learned Friend whether he could undertake to state that the Bill was in such a state of preparation as to render it possible that it could be laid upon the table by that time? He would mention that a report was in circulation in Westminster Hall, and in the profession generally, that his noble and learned Friend had great objections to that part of the Bill which related to the Master's Office. Perhaps this rumour was founded upon a misapprehension of what had fallen from his noble and learned Friend on a former occasion, and a consequent mis-statement in the newspapers; he therefore gave his noble and learned Friend an opportunity of setting himself right. As his noble and learned Friend had before this had ample time for considering the Report of the Commissioners, he would, doubtless, be able to express a distinct opinion upon the subject.

The LORD CHANCELLOR did not know what opportunity his noble and learned Friend might have had of considering the Report—he, no doubt, had leisure time which he could devote to the subject. He (the Lord Chancellor) had for his own part given to it the utmost time he could withdraw from the judicial and ministerial duties of his office; but he could not pretend that he had been able to make up his mind on every part of it. With regard to the rumour referred to, he begged to state that he had not expressed disapprobation of any part of the Report. He had expressed doubts whether certain parts of it could be carried out as desired by the Commissioners, not at all being indisposed to adopt their recommendations if they were practicable; as to which he repeated that he had doubts. The notice to which his noble and learned Friend had referred—as to the Chancery Bill—had been given under some misapprehension, not by the Solicitor General, but by Lord John Russell upon mistake and misinformation. There was not, there could not be, any possibility of the Bill being in such a state as to be presented to the House by the time mentioned. It was a matter of great difficulty, requiring great consideration. It was in the hands of a gentleman well fitted to prepare it; and he (the Lord Chancellor) would do his utmost to expedite the preparation of it, and to adopt so much of it as could be carried out with benefit (though he was not prepared to say that the whole could be); but he was persuaded that the gentleman could scarcely have yet formed, even in his own mind, the shape of the Bill, and that it could not possibly be in a state to be produced to Parliament by the time which had been stated. With regard to the remark of his noble and learned Friend as to the present Bill, for reform of common law procedure not going far enough, he had understood the remark had been general, and had not understood it with the qualification alluded to by his noble and learned Friend as to the County Court system having worked satisfactorily and without inconvenience. But, he repeated, he had made inquiries, and had found that the County Court system had been found to involve very serious inconvenience—inconvenience which was likely to increase in the Courts of Westminster Hall if the same system were adopted. The inconvenience he alluded to was this: When the plaintiff had stated his case, the defendant, it not unfrequently happened, brought forward a defence quite unexpected; whereupon an application was usually made on the part of the plaintiff to adjourn the case, and such adjournments were not uncommon. His noble and learned Friend could form his own opinion how far it would be convenient in Westminster Hall that causes should be part heard and then adjourned. And it would be observed, that the class of cases which came to Westminster Hall would be far more complicated and difficult than those which went into the County Courts; and, therefore, it appeared probable that the number of adjournments in proportion to the number of cases would be greater in the Superior Courts. The inconvenience and injustice would be extreme if the plaintiff's case having been heard, the cause was then to be adjourned. Even in the class of cases common to the

Superior Courts and the County Courts, the inconvenience of the County Courts' system was great; and, if carried further, although the difficulty might not be greater in point of principle, it would be productive of far more injury; and he could hardly imagine that his noble and learned Friend really thought that such a system should be carried further.

LORD CAMPBELL said, he would not take part in the discussion on the Chancery Bill—at least at present—leaving it to his noble and learned Friend on the woolsack, and his noble and learned Friends who had occupied it. But having the honour to hold the office of Lord Chief Justice of England he felt it incumbent on him to express his earnest desire that the Bill for the amendment of procedure in the Courts of Common Law might pass with as little delay as possible. There were crying abuses which would be remedied by that Bill, which did more than had been done to alter and amend our legal procedure since the reign of Edward I. He was astonished when he heard his noble and learned Friend opposite (Lord Lyndhurst) say he was not satisfied with the immense length to which the measure would go, and that he would wish all regular or written proceedings to be abolished, and that the Courts of Westminster should return to the system of pleading *ore tenus*. He believed it was of the greatest importance, while we had trial by jury, to ascertain before the jury were impanelled what were the points they had to determine, and this could not be done without written statements of the case on the part of the plaintiff—of written answers on the part of the defendant, and the written reply of the plaintiff thereto. That was provided for by the Bill now upon their Lordships' table; which he hoped would soon be sent down to the other House, believing, as he did, that it would be productive of great good. He was anxious that it should not be delayed until the schedule of fees was finally arranged. The reform would not, certainly, be completed until there were a new arrangement of fees, the present system being discreditable; but the subject was one of great difficulty, and was not necessarily part of this Bill. Indeed, he had understood that it had been the plan of the Government to pass the Bill brought into that House, and to introduce into the other House a Bill for the regulation of the fees, which could only be fitly considered in the other House. He implored their Lordships to allow the Bill to pass, with all the improvements possible, without waiting for the settlement of the fees.

The Lord Chancellor

LORD LYNDHURST remarked, with reference to the County Courts and Common Law Courts procedure — if in the Select Committee it appeared—comparing the two systems together as to the class of cases in which they had a common jurisdiction—if it were found that the course of procedure proposed in this Bill was preferable, and that it obviated the inconveniences alleged by his noble and learned Friend to exist in the County Courts—it would be material to consider whether the inconveniences alluded to ought not to be obviated in the County Courts by the adoption of proceedings similar to those proposed in the Common Law Courts Procedure Bill. With regard to the reply given by his noble and learned Friend as to the Court of Chancery, he had never supposed it possible that his noble and learned Friend had made himself master of all the details of the Report, so as to make up his mind completely; but the particular point to which he had directed his noble and learned Friend's attention was one of such paramount importance that he supposed his noble and learned Friend must surely have made up his mind upon it by this time; he meant as to the Master's Office. His noble and learned Friend, however, had given no answer upon that point.

The LORD CHANCELLOR said, such questions as those put by his noble and learned Friend scarcely admitted of an answer without entering into explanations longer than it would be expedient to give on such occasions. He must deprecate these endeavours to anticipate the discussion of the measure in a manner most inconvenient. However, he never wished to hang back in answering distinctly any question put to him in that House; although he was aware that in answering such questions much time was consumed, not at all to the advantage of the public. He had no objection to that part of the Bill which related to the Master's Office, if when he came to see the arrangement of the duties the Judges were to perform at chambers, the new arrangement appeared advantageous. If, however, Judges at 6,000*l.* a year were to be appointed to perform duties which Masters in Chancery now performed for much less—if the Judges were to discharge at chambers the duties which Masters in Chancery now performed, with subordinate officers, at diminished salaries—when he saw how these duties were divided, and what was to be done by the Judges—then he should be able to make up his mind. If his noble and learned Friend had made up his own mind upon the matter so soon after the appearance of the Report, he congratulated him; his noble and learned Friend had more facilities for making up his mind than he had. He, however, (the Lord Chancellor) laboured under rather heavier responsibilities; and he certainly had not yet made up his mind, though it had not been for want of applying himself to the consideration of the subject as speedily and as earnestly as possible. But the fact was, that he had not been party to the deliberations of the Commissioners, and knew nothing of their proceedings until the Report came out, with one exception alone. He had not anticipated the recommendation for the annihilation of the office of Master in Chancery, and when a vacancy occurred he contemplated filling it up; but having communicated his intention to a Member of the Government, he was asked, " Are you not aware that the Commissioners are contemplating the abolition of the office ?" He (the Lord Chancellor) had not been aware of it, and had applied accordingly to the Commissioners to know whether they had formed such an intention. The answer was, that the intention was not formed, though the subject had been mentioned, and was under consideration. Of course he (the Lord Chancellor) did not choose to act upon that, and requested a more definite answer. The second answer, however, was much to the same effect as the former one. He then requested a meeting of the Commissioners to be called, and that they would be good enough to intimate whether they had the matter in contemplation. He received a general answer that they had such an intention, and upon that he had forborne to make the appointment. But he was not before aware, and had no suggestion as to what was under contemplation, and had no opportunity, therefore, of offering any suggestions for their consideration. When the Report came out a few days ago, in the midst of other business he had done his best to consider it; but as yet he had not been able to express a decisive opinion as to the details for carrying it out. It was certainly a most valuable Report, the result of great labour, and marked by great intelligence, and the public were much indebted to the Commissioners; and he had no doubt that the measure would result in the greatest advantage. Whether those who almost stifled the Report with their commendations were prepared to go the whole length of it, he did not know; but he could at present give no decisive opinion as to the abolition of the office of Master in Chancery one way or the other, and could only say that if the advantages anticipated could be secured he should be well satisfied.

LORD BROUGHAM said, it had often fallen to his lot to hear questions put and answers offered both in that and in the other House of Parliament; but he had never heard a plainer question put than that of his noble and learned Friend (Lord Lyndhurst); nor had he ever heard an answer more unsatisfactory and obscure than that of his noble and learned Friend on the woolsack. It was composed of so many "ifs," and "untils," and "whens," and "thens," and with such a variety of other qualifications, that he defied any human being to comprehend the result of it—except, perhaps, this much—that when his noble and learned Friend (the Lord Chancellor) had time to peruse and consider the report—if he should be of opinion, upon so considering it, that he could agree with it, why then he would agree with it; but that until he found, upon consideration, that he approved of the report, he could not approve of it. His noble and learned Friend had really given no other answer whatever. If his noble and learned Friend were in such a state of entire doubt or of thick darkness upon the whole subject—why, until the light should break in upon him—until he could make up his mind upon the matter, of course their Lordships could scarcely expect any other answer. But then he felt bitter disappointment when he found a Bill announced in the other House of Parliament, in pursuance of a passage in the Speech from the Throne, as about to be submitted to Parliament on the Report of a Commission, and therefore it was to be presumed not to be against that report—and least of all could it be expected to be in the most important part of it opposed to that report—a report, too, which his noble and learned Friend almost stifled with his commendations! when he found such a measure propounded in the Queen's Speech, and yet his noble and learned Friend could not declare that he approved of this most important part of it—surely their Lordships and the country had a right to expect that on such a measure, resolved on by the Government, there should not be so much difficulty and misunderstanding among the Members of the Government—and a notice given in the one House by the Prime Minister disavowed in the other by the Lord Chancellor. Why, there did not seem to be such good understanding between his noble and learned Friend on the woolsack and his noble Friend at the head of the Government as one would naturally have imagined—especially on a subject which was peculiarly in the department of his noble and learned Friend, and not in the department of his noble Friend (Lord John Russell) at all. A much better understanding seemed to prevail up to this period of the Session between his noble Friend here (the Earl of Derby), and his noble Friend and connexion elsewhere (Lord John Russell), almost equal to the mutual kindness of a pair—their namesakes—referred to in story for their domestic felicity. He wished the same existed between the Woolsack and the Treasury Bench. It was plain from the observation of his noble and learned Friend, that the greatest and most important part of the measure, although it consisted in making the Judges work out their own decrees with the aid of such officers as might be necessary, but without the Master's Office, yet his noble and learned Friend on the woolsack had not even arrived at an opinion upon the subject; and, though inclined towards the report, could not, until he had gone into it, give their Lordships any prospect of his adopting it. Really, after this, he must confess that his hopes as to this great measure of Chancery reform were dashed from his lips.

The LORD CHANCELLOR reminded the House, that, at the commencement of the Session, his noble and learned Friends had complained that their Lordships had but little to do; nevertheless, from the prospect which they now had before them, he thought that their Lordships might discharge their minds from that misapprehension. His noble and learned Friend, who had just sat down, even before a measure which was only in contemplation, had been introduced into Parliament—for a purpose which could lead to no useful result, and which he nevertheless followed up with speeches after speeches, without any advantage to the country—had contrived to misunderstand the few words which he uttered in way of answer respecting that measure, and had complained that he (the Lord Chancellor) was not disposed to bring in a Bill which would require amendment every year, and to substitute for an old system a new code, which year after year would require to be altered and improved. And all this was, first, because a report had been presented not more than ten days ago, reversing to the entire extent the whole system of proceedings in Chancery; and, next, because he had not made himself master of that report, involved as he was in other duties, both in that House and the Court of Chancery—a report, too, so voluminous that, if he had devoted to it all his time, both day and night, since its appearance, he would not have had more than sufficient time to appreciate its merits. Was it, then, fair or just to him personally that these two noble and learned Lords should be indulged nightly in the delivery of these speeches, or rather attacks against him? He asked their Lordships to judge what motives induced these noble and learned Lords to put these questions to him night after night? If their Lordships could not find any ground of public importance for them, he should like to know what other ground could be found for them? He hoped that he was not wanting in candour; but if a question was put to him when he had had no time for reflecting upon it—as both the noble and learned Lords well knew that in this instance he had not, whatever they might say to the contrary—it was unjust to him individually, and he submitted to their Lordships whether it was fitting and proper that his noble Friends should thus attack him night after night? He had considered that part of the report which related to the abolition of the Master's Office. He was not satisfied as to the mode in which their places were to be supplied—he could not say that he knew of any plan by which the object of the Commissioners could be accomplished with advantage to the public. No doubt it could be accomplished with advantage if his two noble and learned Friends occupied places, as they once did, on the woolsack. Their Lordships saw how they were now treated, merely because they had nothing to do. He repeated once more that he doubted how far the plan of the Commissioners, as regarded the abolition of the Master's Office, could be carried out. He was not to be satisfied by mere declamation that this or that plan could be accomplished; he required proof. In conclusion, he said, that if his noble and learned Friends persisted in pursuing this course on future evenings, he trusted their Lordships would not consider him disrespectful if he declined to answer them.

LORD LYNDHURST said, that his noble and learned Friend had not experienced any attack from him. All that he had done was to ask a simple question.

LORD BROUGHAM observed, that all their Lordships who had heard his noble and learned Friend's explanatory answer to Lord Lyndhurst must have seen that in point of fact it was no answer at all. If his noble and learned Friend had not made up his mind, as he said that he had not, no one could expect him to give an opinion. He (Lord Brougham) had then expressed the disappointment which he felt at having his hopes of Chancery reform dashed to the ground, and that disappointment was the more intense because the subject of that reform had been mentioned and the measure as prepared in Her Majesty's Speech from the Throne.

EARL GREY stated that the noble and learned Lord was not using the words of Her Majesty's Speech, but was making his own version of them. Her Majesty had not said that the Government had such measures prepared, but only that the Government had directed them to be prepared.

LORD BROUGHAM said, that the Speech spoke of measures prepared to be brought into Parliament—of measures founded on the report, and therefore in accordance with it. This was tantement to story that the measures recommended and the report were to be brought forward. Taking Her Majesty's Speech, and the notice of Motion given by a Member of the Government together, their Lordships had a right to expect that the substance of the measure, however he migth differ as to its details, had obtained the approbation of his noble and learned Friend on the woolsack.

OUTRAGE ON AN ENGLISH SUBJECT AT FLORENCE.

EARL FITZWILLIAM said, that as he saw in his place his noble relative, who had recently succeeded to the office of Secretary of State for Foreign Affairs (Earl Granville), he was desirous of putting a question to him on a subject which had awakened the attention of every man in England who had cast his eyes on the proceedings of foreign nations, and who felt an interest in the security and welfare of his own fellow-countrymen residing abroad. The question on which he was desirous of obtaining information divided itself into two points: the first relating to the nature and extent of an outrage to one of Her Majesty's subjects, said to have recently taken place at Florence; and the second relating to the conduct of Her Majesty's representative at Florence, on hearing of the occurrence to which he referred. Acccording to the statement made in the public prints, it appeared that a British subject, named Mather, was walking along the streets of Florence, without giving offence to any one, when he was first struck by an officer, whom he (Earl Fitzwilliam) must consider as an officer of the Tuscan Government, for he could not suppose that an independent Government like that of Tuscany would suffer its streets to be occupied by foreign soldiers: assuming, then, that it was a Tuscan officer, he would say that the Tuscan officer first struck a British subject with the flat of his sword, who immediately remonstrated. On his then inquiring of the officer the cause for which he had struck him, he was again struck by him; and, on making another remonstrance, he was struck by another officer, not with the flat, but with the cutting part of the sword, and was cut severely on the head, the effusion of blood being so great that it was some time before he recovered his senses. He (Earl Fitzwilliam) did not exaggerate when he said that our countryman was regularly cut down. What followed? The injury was so severe that the victim of it was taken to a neighbouring hospital, and the consequences of his wound were there held to be so dangerous that three days elapsed before it was deemed safe to remove him to his private lodgings. Now he (Earl Fitzwilliam) presumed, as he had said before, that this outrage was the act of a Tuscan officer; and he wished to know, in the first place, whether the accounts of the transaction which had appeared in the public prints were corroborated by the more official and authentic information which had been received by Her Majesty's Government; and, secondly, what course Her Majesty's Government had thought fit to pursue on the receipt of such information. He knew not what position in life Mr. Mather moved in, and he could not say whether he was likely to think it more expedient to sue for compensation than to demand an apology for his injury; but he must say that if British subjects, when following peaceful avocations in foreign countries, were not to be protected, a heavy responsibility would lie on Her Majesty's Government. Their Lordships knew, from recent debates in that and in the other House of Parliament, how sensitive Her Majesty's Ministers were with regard to injuries inflicted on persons who, although perhaps not of the English race, were nevertheless, under circumstances, to be entitled to the protection of the British Government. He trusted the British Government would never shrink from demanding ample reparation and apology in all cases of that nature, whether they occurred in what might be called the infant State in the family of European nations—he meant Greece—or whether they took place under such a Government as that of the Grand Duke of Tuscany, connected although that Sovereign was with a much stronger Power. He trusted that the conduct of Her Majesty's Government on this occasion, would be such as to entitle it to confidence. He was sure his noble Friend (Earl Granville) would be actuated, equally with his predecessor, by the highest sentiments, in demanding and in enforcing from whatever quarter, be that quarter weak or be it powerful, an ample and a just reparation for injuries and insults inflicted on Her Majesty's subjects. He had no doubt, therefore, that the answer of his noble Friend to the question he had ventured to put to him, would be perfectly satisfactory.

EARL GRANVILLE: My Lords, the noble Earl in putting the question to me has alluded to my recent succession to an office of great importance; and in answering that question, which, to a certain degree, involves one of the most important duties of a British Minister for Foreign Affairs (that of protecting British interests and British subjects when living in other countries), I cannot help feeling that during the last few years, when I have frequently been obliged to trespass on your Lordships' attention upon the business of the office which I previously held, I, perhaps more than any other person, have, in addressing your Lordships, met with indulgent encouragement from my own side of the House, and with forbearance from the opposite benches, and I trust that in the new position which I have the honour to occupy I shall not be met in a different spirit. My Lords, with regard to the facts of the case which my noble Friend has just described, they are very nearly accurate as he has represented them. From the official information that I have received on the subject it appears that Mr. Mather was walking with his brother and another person, following the band of an Austrian regiment, and between that band and the regiment itself, and that, by the passing of a carriage, some confusion occurred, in which Mr. Mather, in turning round accidentally came in contact with an Austrian officer, who struck him with the flat of his sword. On turning round to know the cause of such an attack, he was struck by another officer, and on his lifting up his arm to protect himself he was cut at in the manner described by the first officer. There is some discrepancy as to the facts in the account given by the Austrian officer, and in that given by Mr. Mather. But Mr. Mather's version is supported not only by his brother, but by other persons (Italians and Frenchmen) who were present; and I think the variation is so small that it may easily be accounted for. The Austrian officer says that he told Mr. Mather to get out of the way; and as the Austrian officer probably could not speak good Italian, and Mr. Mather probably did not understand Italian at all, some misapprehension may have arisen in that manner. Mr. Mather says he did not put himself in an aggressive attitude; while the Austrian officer says he put himself in the attitude of a boxer. Now, I put it to your Lordships whether a man turning round, and lifting up his arm to defend himself from two drawn swords, might not have been mistaken, although it was not actually the case, to have assumed the attitude of a boxer? The first intimation I had of this occurrence was through the medium of a private correspondence, and afterwards through the newspapers. I immediately sent instructions, in the name of Her Majesty's Government, to Mr. Scarlett, Her Majesty's representative at the Court of Florence, to ascertain if the report was true; and, if true, to demand an ample reparation for what I considered a wanton and cruel injury to an unoffending British subject. In the meantime a despatch reached me from Mr. Scarlett, giving me the account which I have just stated. In that despatch he stated that he understood the Austrian general, on hearing of the transaction, had reprimanded the second officer very severely; and, with regard to the first officer, he offered that if Mr. Mather would make explanations to him, then he would make him an apology for the blow he had inflicted. Mr. Mather, however—and I do not think your Lordships will be suprised at it—refused, on what might possibly be his death-bed, to enter into any such explanations in order to obtain an apology, and preferred that the case should be brought before the civil tribunals of Tuscany. Mr. Scarlett supported that view; and as it was taken at the request of the injured party, I approved of Mr. Scarlett's conduct, and desired him to communicate to the Tuscan Government that Her Majesty's Government expect that the trial will be conducted openly, and with all fairness. I also gave Mr. Scarlett instructions, not knowing the pecuniary circumstances of Mr. Mather, to obtain for him the best legal advice to conduct the prosecution. The only communication I have received since, I received yesterday from Mr. Mather's father, who complains of the difficulty in overcoming certain legal technicalities in Florence thrown in the way of his obtaining redress. I do not think I should be justified in going into further details on this point until I hear from Mr. Scarlett on the subject; but I cannot refrain from saying, that the tone of the private letters from the two young Mr. Mathers, the one being nineteen, and the other only sixteen years of age, went far to convince me that they were well-conducted young men, and little likely they were to give offence to the authorities in foreign countries; and I was glad also to find that Mr. Mather (the father) spoke with the greatest moderation on a point which naturally touched his feelings acutely. In deciding what must be done, I was anxious to consider the whole case calmly, not overlooking the difference there may be between the usages of the Austrian army and those of our own. No doubt, in the Austrian army, an officer, if he was insulted in the presence of his men, would be degraded if he did not use his weapon to repel that insult. A case illustrating this point, if your Lordships will allow me to trespass on your time by relating the story, I remember to have occurred some time ago at Vienna, where a general order was issued to the effect that no person should be suffered to pass an Austrian sentinel with a cigar in his mouth. A French gentleman happened to pass one day, smoking his cigar, and the centinel on guard called to him to take it out of his mouth. The gentleman did not understand, or did not choose to understand, and walked on without heeding the challenge. A serjeant them came out of the guard-house, and with violence forced the cigar from his mouth. The gentleman repeatedly struck the serjeant, and then took refuge in the French Ambassador's house, who indignantly demanded reparation. The serjeant was brought before a court-martial, and the verdict given (which was afterwards read at the head of every Austrian regiment in the service) was to this effect: —"That, considering the long and faithful services of the serjeant, he shall not be drummed out of the regiment for not having run the French gentleman through the body." I relate this anecdote, my Lords, not to excite a laugh, but only to show how necessary it is, in the case of occurrences of this nature, to take into account the extreme limits to which the point of honour is carried in the Austrian service. But, making full allowance for this consideration, and taking the Austrian officer's account, for the sake of argument, against that given by the English gentleman concerned, and confirmed by English and Italian witnesses, I confess it still appears to me, as it did in the first instance, that a most unjustifiable outrage, and one for which reparation is justly due, has been committed; and I will say farther, that I feel confident that the justice of the Tuscan Government will induce them to give this reparation. And after the words which fell from the noble Earl (Earl Fitzwilliam), I may here add to that, that I have full confidence in the keen sense of honour of the Austrian military authorities now in Tuscany, that they will not refuse to give an ample redress. I have mentioned that the Austrian officer who wounded Mr. Mather offered to make an apology, if that gentleman would give him an explanation. Now, considering the state in which the English gentleman lay, confined to his bed from the effects of his wound, I cannot believe, if the Austrian officer had spontaneously come forward and volunteered an apology, that he would have been considered to have diminished his reputation for either physical or moral courage, or that his conduct would have been regarded as affecting his character either as a gentleman or as a Christian officer, or as having been inconsistent with the code of honour which obtains throughout all Europe. The code of honour rightly understood must be considered the ame for nations as for individuals; and for these reasons I trust the

Tuscan Government will not refuse redress. When I am laying down this rule, and stating my belief that nations should behave to others as they would wish others to do to them—without making the slightest concessions where their honour or their good faith is at stake, yet feeling it to be incumbent on them when they are in the wrong to make the fullest acknowledgment —I may be permitted to add, that Ia m not stating of foreign nations what I do not think applies to our own. And I venture to remark to your Lordships, that one thing in which I certainly take pride to myself, during the short time I have held the seals of the Foreign Office, is, that I have been able to make, in the name of Her Majesty's Government, an apology where I think an apology was justly due. An unfortunate circumstance recently happened through the neglect of his instructions on the part of an English naval officer and a civil servant—an insult was offered to the United States. The noble Lord whom I succeeded began friendly communications with the Government of the United States on the subject through the Minister residing here; but I had the satisfaction, on the day after receiving the official account of the occurrence, of writing in the name of Her Majesty's Government, disavowing the act of violence, and regretting that such an act had been committed. And I do not hesitate to say that I should have pursued precisely the same course, if, instead of the United States, it had been a weak and feeble nation that had been injured; because it is the only one consistent with the dignity and with the just pride of this nation. Some allusion has been made to the Austrian Government being behind the Tuscan Government in the present case. Now, I cannot but say that there has lately been, on the part of the Austrian Government, some negligence in checking the insults and petty persecutions committed towards British subjects by its subordinate agents. I certainly trust this will not be continued, and I have some ground for saying it; for one of the first steps I was compelled to take on entering upon my present office was, on learning that an Englishman charged with despatches for Sir Stratford Canning had been seized and exposed to insult, to demand satisfaction for that outrage on international law and usage; and I am happy to say that I have received an answer from the Austrian Government, not containing, I think, a good explanation of the occurrence, but at the same time informing me that the policeman concerned in the affair has been punished—and further that the Austrian Government repeatedly expresses its regrets that it has occurred, and acknowledges the justice of the demand for a reparation. For these reasons I am inclined to believe, which I do with great pleasure, that these sad small matters will not again occur, or that, if they do occur — which is perhaps unavoidably the case—they will be met on both sides in such a manner as to render it unnecessary to make demands which it is painful for the Minister of one Government to write, irritating to the Minister of another to receive, and which lead to recriminations, as I believe, entirely beneath the dignity of the Governments of the two countries concerned, who, though they may differ widely in the spirit and form of their internal administration, have still the same common objects in view, in regard to great and important interests committed to their charge.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, February 12, 1852.

MINUTES.] NEW MEMBERS SWORN.—Right Hon. Robert Vernon Smith, for Northampton; Admiral Houston Stewart, for Greenwich.

PUBLIC BILLS.—1° Tenant Right (Ireland); Parliamentary Representation; Corrupt Practices at Elections; Pharmacy; Protection from Dangerous Animals; Improvement of Towns (Ireland); Friendly Societies; Passengers Act Amendment.

BALLOT FOR NOTICES—RULES OF THE HOUSE.

SIR JOHN PAKINGTON begged leave to call the attention of the right hon. the Speaker, as well as that of the House, to the position in which he unexpectedly found himself placed at that moment by the omission, though he was sure most unintentional, of the clerk at the table. He had given instructions to the clerk to put his name in the glass when the ballot took place for Motions; but under this circumstance he would move that the ballot be repeated.

MR. SPEAKER said, that if the hon. Baronet wished to give notice of a Motion, he should write it down on paper and also his name, for every Member was responsible for his own name appearing upon the notice paper. If the clerk wrote down the name of the Member upon such paper, it should be considered merely as an act of courtesy upon his part.

Sir JOHN PAKINGTON thought he was placed in a most unfair position. It was no doubt desirable that the rules of the House should be observed. He believed it was the constant practice of Members to walk up to the clerk and to request him to add their names to the list in the usual way. He (Sir J. Pakington) had uniformly proceeded in that way. He did not believe that he had ever done otherwise. In this case he had received the distinct promise of the clerk, and he would remind the clerk that at the same time he informed him (Sir J. Pakington) that it would be irregular for him to put more than one notice on the paper. He therefore put in only one notice, and he now requested the right hon. (the Speaker), when the names of those balloting had been called over, that he would be kind enough to call upon the clerk for the second notice. It was clear that the omission was accidental; but he submitted that he should not be placed in this position. The ballot should be fairly carried out, and he therefore moved that it be repeated.

Lord JOHN RUSSELL said, that Mr. Speaker had explained that the rule of the House was, that each Member should write down his own name when handing in his notice to be balloted for. The hon. Gentleman had then no great ground for complaint, as the omission was his own. It was obvious that the clerk might have other business to attend to at the same time these notices were being handed in. It would, therefore, be unjust to make the clerk responsible in such matters. He would, however, admit that some inconvenience was suffered on the present occasion by the hon. Baronet. There would be some advantage in the hon. Baronet calling attention to the matter, because hon. Members will in future see that they will be responsible for putting down their own names.

Sir JOHN PAKINGTON said, that if that was the sense of the House in regard to its rules he was ready to bow to it, and to submit with the greatest deference to the opinion of the right hon. Gentleman in the chair. He, however, felt that he had not been well treated. He did not know what the practice of others was, but he did not remember any one instance in which he had ever written his own name upon the paper. He therefore considered that he was subject to an unexpected disadvantage to which no Member of that House should be exposed. He would now give notice that he would postpone to that day fortnight his Motion in respect to the Sugar Duties. On Wednesday next he gave notice of his intention to move for the appointment of a Select Committee to inquire into the present system of Punishing Juvenile Criminals, and to consider the propriety of making some arrangement which would combine industrial training with the adequate punishment.

Subject dropped.

PRESERVED MEATS (NAVY).

Sir WILLIAM JOLLIFFE rose to move—

> "That a Select Committee be appointed to inquire into the Contracts, and the mode of making them, for the supply of Meat Provisions for the use of Her Majesty's Navy during the years 1847, 1848, 1849, 1850, and 1851; into the causes which have led to the receiving into the Government Stores, and to the issuing for the use of Her Majesty's Ships on Foreign Service, certain preserved meats, which have proved to be unfit for human food; and into the means by which an occurrence so prejudicial to the Public Service may most effectually be prevented."

The matter to which his Motion related was one that had caused a painful sensation; and he regretted that it had not devolved on some Member better able than himself to do it justice and to arrest the attention of the House. He could only promise to confine himself as much as possible to the subject. Incidents, in themselves somewhat startling, frequently attracted a vast increase of attention, and caused a great degree of excitement from the particular periods at which they happened; and the present case appeared to him to be exactly one of that kind. At no period, he believed, had it been of more importance to the country that every branch of our naval establishments should be in a state of efficiency; and it was, he felt satisfied, almost an universal opinion, not only that upon the efficiency of that great service depended the safety and security of this country, but that it was an element second to none in importance for the maintenance of European peace. At such a moment as this the incidents to which his Motion had reference had happened, and he was convinced that no delay could be permitted in bringing the influence of Parliament to bear on the subject, so that a searching inquiry should be made into the circumstances. In proportion as it was desirable that confidence should be felt in the naval force of the country, exactly in that proportion it seemed to him that mistrust existed; and in making that remark he thought he was justified, for a day did not pass without his hearing animadversions on the doings of the Admiralty. And even the hon. Baronet who moved the Address to Her Majesty only last week (Sir R. Bulkeley) appeared to feel the force of such opinions, when he spoke in somewhat such terms as these, that he believed the Navy was in an efficient state, whatever might be said on that point by disappointed admirals. He was not one of those who blamed the Admiralty for trying to make desirable changes in the food of the Navy. He thought, indeed, that it was their duty to do so. He was no disappointed admiral; he had no connexion with the service; he had no motive for trying to cast undeserved blame on any one connected with the administration of naval affairs; and he could assure hon. Members that all his private feelings ran in an entirely different direction. Without further preface he approached the consideration of the points which he thought should be embraced in the inquiry he sought to have instituted. The leading point would comprise all the circumstances of the contracts entered into with Mr. Goldner ? Mr. Goldner was an individual who, it appeared, had obtained a patent for preserved meats for seagoing vessels as early as 1840. In 1844 it would appear the first experiment was made with those meats in Her Majesty's service. In 1845, he believed the first contract was made with Mr. Goldner. The preserved meats having been used in small quantities experimentally, were, in 1846, used in still larger quantities; but it was not till 1847 that the preserved meats were adopted as an article for general issue to ships on foreign service. In 1847 also, he understood, contracts were made with Mr. Goldner. But it was stated in a document which had been commented on by the press as a document of authority, that towards the end of 1848 complaints were addressed to the Admiralty, and reports made, from which it appeared that condemnations had taken place in respect of preserved meats, other than those common to salted provisions—that parts of animals unfit for use, and other substances, were found mixed with the meats contracted for. It was stated that immediate steps were taken to remedy the evil in the end of 1848, and the beginning of 1849. It was of importance to know what those steps were; hon. Members were not in possession of that information. It was of importance to know by whom those condemnations were made, and where they were made; what blame was supposed to attach to the authorities, and what to the contractor. It was absolutely necessary that the House should be made acquainted with the events which he brought under their notice, and that the facts should be ascertained—that they should understand what took place at the end of 1848, and what had been done in 1849 to remedy the evil. The House were not informed on any of those matters. But in 1850 they were told a large contract was made; and the House would be surprised to learn, that the person with whom the contract was made in that case, as in the former, was Mr. Goldner. One did not see how that was taking any step to remedy the evil. The contract of 1850, he repeated, was a large one; the preserved meats were to be delivered into Her Majesty's arsenals at Deptford, Portsmouth, and Plymouth. The terms of the contract were issued from the Admiralty in April, 1850, setting forth the substances which the canisters were to contain, and also the substances they were not to contain. It would really appear, by the terms of the contract that the Admiralty had fears of Mr. Goldner; for the contract required that there should not be offal, intestines, vegetable and other substances, introduced into the canisters. There was another clause of the contract which declared that the contract was not to be transferred, or a Member of the House of Commons have a share in it. They heard sometimes in that House of Jewish disabilities; and it might be satisfactory to some persons to find that a Jew had power to be what a Member of that House could not be—a Government contractor; in respect of those contracts, a Jew was placed on the same footing as other subjects of Her Majesty; and the only exception made to the admission of any class to the privilege of acting in the capacity of contractors, was in the case of Members of the House of Commons. There were important provisions in this contract to which he hoped the House would direct their attention. Every tender was to be "accompanied by a letter signed by two responsible persons offering to become bound with the person tendering in the sum of 6,000*l.* for the due performance of the whole contract, or in due proportion of that sum for a part only; and the letter must contain a reference to some person or persons well acquainted with the sufficiency of the parties so offering to become bound; and persons in partnership with the contractor or with each other would not be accepted as sureties." At all events, the House would see from an inquiry what was subsequently done by the Admiralty. In the end of 1850, also, it appeared that there were complaints with reference to the preserved meats supplied by the Admiralty; but from all that could be learned it appeared that the whole of the preserved meats received under the contracts with Goldner in 1850, were received in store, and served out to Her Majesty's seagoing ships; and not only so, in 1851 a very large additional contract was made, and Goldner was again the successful competitor. But Sir, the year 1851 brought matters to a climax with Goldner's contracts. It appeared that on the delivery of the very first parcels under the contract of that year, parts of animals not proper for the purpose, and other substances, were found mixed with the meats; and the parcels, amounting to 22,325 lbs. weight, were at once rejected. In the next paragraph of the document to which he had already referred, they were told that the contract was at once cancelled. In his opinion, if the contract of 1851 was couched in the same terms as the contract of 1850, it would be a question for inquiry how far the forfeiture had been carried out in strict conformity with the terms of the contract. He could not see that the Admiralty had any course to follow except to adhere to the terms which they had laid down. Who were the persons that in 1851 became securities for the contractor? He was led to advert, in the next place, to a matter with respect to which the statements he had heard were not made on authority; but, meagre and incomplete as the information he had might be, it was the same information which had been before the public for a long period, uncontradicted and unexplained. What was the state of matters towards the middle of 1851? He was told that in 1851 the contractor had withdrawn 2,000 canisters of his contract of 1850. It was desirable that information should be afforded with reference to that circumstance. He was informed that on the 14th of August, 1851, when the Board of Admiralty was on an excursion of inspection at the arsenal at Portsmouth, and in the Clarence-yard, they were met by the authorities of the place, the parochial authorities, the magistrates, and called upon to interfere in consequence of the stench arising from the store where those meats were kept, which they said was not only horrible, but was endangering the lives of those who lived in the locality. At a time when our shores were teeming with foreigners, when the great naval arsenal at Portsmouth had more attractions than any other place for visitors, would it be believed that there existed a pestilential store, as he was informed, in the heart of that great establishment, which caused the greatest possible alarm to the people of the adjoining district? There could be no doubt that in August, 1851, those stores were not such as could be distributed with safety to Her Majesty's Navy; yet one did not learn why an examination was not immediately proceeded with, whether on account of the heat of the weather or any other cause. It was not until winter that an inspection was heard of; and hon. Members were made painfully aware from the public prints, day by day, what were the results of the inspection then instituted. He did not wish to enter into details. Hon. Members knew, as he knew, what was said of the horrible substances which were mixed with the preserved meats. They knew that the inspection was compelled to be delayed day by day, because it was feared that the lives of the persons who acted as inspectors would be sacrificed. There were apprehensions that pestilence would break out at Portsmouth. The condemned meats were consigned to the sea. He did not wish to travel one atom beyond what was currently reported. He did not find fault with the Admiralty on account of the contract into which they had entered for a supply of preserved meats; but he did blame them because the meats were atrociously bad and corrupt. He had seen and heard enough to convince him that it was perfectly possible to supply the Navy with meats to which no objection could be made, and that such meats could be supplied by contractors well known in this country, in Ireland, in Scotland, and in Australia. There was an accidental confirmation of the view he took of the blame which attached to the department under whose administration these incidents had occurred; and such evidence was often stronger and more satisfactory than any other in a case of this kind. Hon. Members had not access to official documents, and he would not bring forward anything surreptitiously obtained. But he had received testimony to the quality of Australian preserved meats. When our ships were in that distant part of the world, they were supplied from the manufactories in Australia. Captain Yule, of Her Majesty's ship *Rattlesnake,* spoke of the Australian preserved meats as very far superior to those which had been put on board that ship. The Australian meats were described as being excellent in quality, and were preferred to the meats supplied in England. It appeared, therefore, that Her Majesty's ships at the Antipodes had a great advantage in being so far removed from those whose duty it was to watch over their supplies at home. He had seen it stated that 8,000 canisters had been examined; but he took the lowest estimate, which was that 6,378 canisters had been examined; of these 5,408 were condemned as bad, and consigned to the sea, and only 910 were serviceable. Now, could a worse state of things exist, and did not those facts confirm the report that the state of Clarence-yard, Gosport, was most horrible and dangerous to the health of the people around it? He hoped a satisfactory answer would be obtained from the Government; but at the same time he did not mean to say that any statement from the Minister could supply the place of a Parliamentary inquiry. He thought that on the score of humanity some explanation ought to have been given, long ago, of the gross imposition which had been practised on the Government. He approached a painful part of the subject, to which he would advert, in the hope of obtaining a satisfactory explanation from the Admiralty. In 1851 it was understood that orders were sent out to discontinue the use of those provisions and to return them to store; but when they reflected that our fleet was scattered all over the world, in the Atlantic, the Pacific, the Indian Ocean, and the Arctic Seas, it must be obvious that the ships, if supplied with these meats, must have been exposed to great suffering. What he wanted to know, therefore, was, what steps had been taken to mitigate the disadvantages which must occur on the different stations from the supply of this abominable stuff? He should be glad to know, also, if the ships employed in Sir John Franklin's Arctic Expedition had been supplied with preserved meats by Mr. Goldner? If they were, he feared that the chance of their safety was but small. The *Investigator* and the *Enterprise* had, he believed, been two winters in the Arctic regions. Now, it was of importance that the Admiralty should inform the House whether or not they, too, were supplied with Mr. Goldner's provisions. In 1849 the *North Star* deposited cases of provisions at Navy Board Inlet, and subsequently Captain Sir James Ross deposited a large supply at another place. What sort of provisions were they? Several exploring ships also went to the North Sea in search of Franklin, in 1850, and had since returned. He alluded to Captain Austin's squadron—the *Resolute,* the *Assistance, Pioneer,* and the *Intrepid.* He had had the satisfaction of learning that in their case the stores had turned out serviceable, and that upon reaching England, and being inspected, they were pronounced perfectly good. He was told that there had already been a sufficient exposure of the management of the provision contracts; but he begged to say that the public at large, as well as the Naval service, entertained very strong doubts upon that head, and whether under other contracts the same maladministration might not take place. It became his duty, then, not to shrink from asking the House to institute an inquiry upon the subject. If the result of inquiry were to show that everything had been done according to Parliamentary routine, then they would see that what had been done was abortive, and that some new system must be adopted. In conclusion, he called upon the House to grant him an inquiry, and so vindicate the character which hon. Members sometimes claimed for the House of being the guardians of the public purse, and at the same time prove themselves the protectors of a service upon which our national greatness had hitherto depended, and upon which he believed, under the blessing of God, it must till continue to depend. The hon. Baronet then moved that a Select Committee be appointed.

COLONEL CHATTERTON seconded the Motion.

SIR FRANCIS BARING (who was imperfectly heard), was understood to say that, so far from objecting to the Motion of the hon. Baronet, he would give the Committee what they asked for, with the sincerest pleasure, not only on the grounds stated, but on account of many things which had been stated elsewhere; because he was anxious that they might be brought forward in that House, where he was able to meet them, and not in places where he could not reply to them. And, whether it was a charge as to the "preserved meats" or a charge as to the *Megœra*, of which they had heard so much out of the House, but which no one had brought forward in the House, he was quite ready to meet it on the part of the Admiralty. If the hon. Gentleman was anxious to have a full and fair inquiry, he would have no objection to the small Amendment he (Sir F. Baring) proposed, which would extend the inquiry a little further; and, although the hon. Gentleman had expressly stated that his Motion was not founded on the question of the meat supplied to the Navy being foreign meat, he must say he thought that his present distrust had been suggested to him by others, and that the employment of foreign meat had occasioned great dissatisfaction in certain quarters. He (Sir F. Baring) wished to throw that question on one side. It was an important question, but he would not deal with it then. What he asked was, that they should not confine the inquiry—which the words of the Motion studiously did—to foreign meats. In 1847, for the first time, there was a contract for foreign meats. The hon. Gentleman wished to confine the inquiry to the contracts since 1847; but his own argument showed that it was necessary to go further. The hon. Gentleman had alluded to Sir John Franklin; but Sir John Franklin was supplied in 1845, and therefore he ought to have no objection to extend his Motion to that time, for it was not a question between one Government and another. If reference was to be had to contracts for salt meats, he should propose that the inquiry should begin with 1840. He did not wish to alter or to confine the inquiry, but he thought it should include one of the most serious cases which had been mentioned. With regard to the preserved meats, the hon. Gentleman's inquiry was confined, by some strange fatality, to Mr. Goldner's contract. Why should it be confined to them only? He was sorry to say that this matter was not confined to one case, or to foreign meats only, but that he should have to state, what was no doubt very unsatisfactory, that there were other parties who had taken contracts, and whose meat had been rejected. Let that also come within the inquiry. The words he should add to the Motion would be very trifling, but they would be such as would make it full and searching. The hon. Gentleman had said nothing with regard to salt meats, so he should not trouble the House on that point, but proceed to speak of the preserved meats. It would be convenient for him to state that the meat was preserved in canisters, from which the air ought to be entirely excluded; but if in the examination the canisters were opened, the meat was destroyed, and in forty-eight hours was unfit for food; and therefore in concluding the contract, a certain number of canisters were selected for examination before the meats were received into store. When they were issued to a ship in commission, there was a second examination, and the purser was present to attend to the store department, by whom they were received; again, when the meat was served out for consumption, it was received by the petty officers, on the part of the crew, the officer of the watch being present, and if complaints were made by the crew, they were reported to the captain, who ordered a survey to be made. If they were found to be objectionable, they were not issued to the sailors, but condemned and destroyed. It was said that there was an impression abroad that the sailors were obliged to eat bad provisions; but that was not the case. Care was taken that no bad meat was issued. If the meat was bad when it was first received into store, it would be discovered, and they would be returned. Meat might be well preserved, and when examined to-day, might be found good; and yet in a short time after might corrupt and be unfit for food. There were a number of cases of this kind that he could mention. In one of those cases there was a quantity of meat spoiled which was not Mr. Goldner's, but another contractor's, and English meat besides. That meat had been examined by the head of the victualling department at Devonport; a captain in the Navy, and Lord George Paulet, the captain of the ship, was present; and they did more than examine, for the report says, that they partook largely of the meat—found it to be very good, and so reported it, and yet in a very short time it was unfit for food. As yet no test had been discovered by which it could be ensured that good meat prepared properly to-day might not soon become bad if the air was not perfectly excluded. If it was good when it was received, there could be no blame attached to the officers who received it, if after it was put into store it became corrupt, from causes which they could not ascertain at the moment. Sometimes the contracts, it was true, were not well performed. They (the Admiralty) were bound, in the first place, to show that they had not adopted the use of preserved meats rashly and carelessly; next, that there had been always a proper examination when the meat was received into store; and, lastly, that when complaints were made, they were attended to, and as much as possible was done to remedy them; and if the hon. Gentleman liked, to punish the contractors. First, with regard to the employment of preserved meats, the hon. Gentleman had not blamed the object of the Admiralty in adopting their use, which was directed to the health and comfort of the sailors. The hon. Gentleman stated, that the use of preserved meats first commenced in 1844; but his hon. and gallant Friend near him (Admiral Berkeley) informed him that as early as 1813, he had some preserved meats on board his ship, for the use of the sick of his crew; but it was in 1840 that the use of it began to be general in the Navy, on the application of different officers to the Admiralty requesting that they might be permitted to take it on board. Some time after, Mr. Goldner—who was a Jew and a foreigner, but because that was so, it was no reason that he should not have had a fair trial—and who was the inventor of a patent for preserving meats, applied to the Admiralty to be allowed to have them used in the Navy. He brought a recommendation from the chemical Professors of the London University, who had examined the meats, and who spoke highly of them; and also from Mr. Brande, the chemist, to the same effect. Besides this, there had been a report from the Army Medical Board, which was in his favour; and Sir W. Burnett, the head of the Naval Medical Department, had also reported favourably on the subject. The use of the preserved meats was not rapidly introduced, but gradually. They were first tried by the surgeon of a convict ship; and in consequence of his and the preceding recommendations—not he (Sir F. Baring) nor his noble Friend who preceded him in his office (the Earl of Auckland), but the First Lord of the Admiralty who preceded Lord Auckland (the Earl of Ellenborough), had made it one of his last acts to introduce the use of preserved meats in the service; and among the contractors was Mr. Goldner, with whom a kind of running contract was made. The first contract, therefore, had been made under the auspices of Gentlemen opposite—for which he did not blame them, for he believed them to have been actuated by benevolent intentions, and to have acted on good grounds. He had thus proved that the orders for the general adoption of preserved meats had not been rashly given. Mr. Goldner's meats had been long tried, and had turned out well. Up to 1849 there had been no complaints to the Admiralty in respect of the preserved meats; and in the beginning of that year a report was received from the Commodore on the African station (Sir C. Hotham) favourable to Mr. Goldner's meats, and another from Sir Charles Napier, then in the *St. Vincent*, who said that he had consulted the men, who were unanimous about the meat, and only wanted a few more potatoes. He now came to the second point, namely, that no steps had been omitted by the Admiralty which they ought to have taken. It was only late in 1849 that complaints about the meats were received. In 1849 the Admiralty received two serious complaints. Mr. Goldner was called on for an explanation; and on the 1st January, 1850, Mr. Goldner was definitely informed that his contract must cease, and that he must enter into a fresh contract. The hon. Gentleman had read some of the clauses of the contracts, but did not appear to be aware that those clauses were fixed by law, and were not within the control of the Admiralty. There were great difficulties in carrying out these contracts. If the air was at all permitted to be introduced into the canisters, the contents were immediately corrupted. It was also found that the larger the canister, the more difficult did it become to expel the air. The contracts had, therefore, at different times been altered; and in 1850 the contract was altered for the purpose of lessening the size of the canisters; and in that year, in order that the contractor might not escape, his guarantee was extended to five years. The complaint now made was, that Mr. Goldner, after the discoveries which had been made, should have been allowed to have another contract. But the contract was put up to public competition—it was not in any way a private contract—and Mr. Goldner applied to know if he should be allowed to tender for the contract. There was a wish in some quarters that permission should be refused; but, taking all reasons together, it was considered that it would be advisable to grant the permission. Mr. Goldner was the person who had himself invented the system introduced into the Navy; he had for seven years been a contractor, and had been highly approved of; and there had been no complaint whatever against him up to within a few months before the new contract. Certainly the Admiralty had been informed of some exceptional defects in the preserved meats he had supplied; but they had heard that there had been a quarrel between Mr. Goldner and his men, the result of which had been that for a time the men out of spite prepared the meat in an improper manner. The Admiralty did not feel themselves compelled to refuse Mr. Goldner; they felt that it was a serious thing to ruin a man who had invested large sums of money in the establishments for carrying on a business as a contractor of these articles. On the whole, the complaints not having reached any height, the Admiralty did not think that sufficient causes had been held out for refusing Mr. Goldner permission to enter into competition. In 1851 there were complaints, but not of the meat supplied under the new contract; the complaints made in 1851 referred to the meat supplied under the old contract. But the very moment the Admiralty received complaints of the meat supplied under the new contract, the contract was cancelled, and Goldner was informed that he must cease to supply the Navy with preserved meat. The hon. Gentleman said, that the Admiralty did no more than cancel the contract. But was that truly all? No, that was not all; and it was what had been additionally done by the Admiralty which had occasioned the whole of this outcry. The Admiralty were advised that for the purpose of taking legal proceedings against Mr. Goldner, it would be necessary that the meat should be examined—hence the examination of the individual canisters at Clarence-yard. Now, as to that examination, the hon. Gentleman had drawn a good deal upon his imagination. He (Sir F. Baring) had been down at Portsmouth on the occasion, and he had not noticed that anybody had been affected by the stench which had been described. The statement of the hon. Gentleman was, that the local magistrates had interfered and had brought the case before the Lords of the Admiralty. But this was a mistake; and he warned the hon. Gentleman that if he relied upon the newspapers for his information he would make many errors. The fact was, that for the purpose of having a condemnation, the Admiralty thought it would be satisfactory if they could induce a magistrate to sit upon the meat, and condemn it. For that purpose they got one of the inhabitants to apply to the magistrates. The magistrate refused—very naturally, feeling indisposed to go through such a duty. But the House would understand that the complaint to the magistrates had been made, not by the inhabitants, but by the Admiralty themselves, as the first stage of legal proceedings against the contractor. He had now gone over the case; he believed he had not omitted any point, except one, but that point was undoubtedly of great importance, It concerned the meats supplied to Sir John Franklin's expedition. These supplies were furnished in 1845, and therefore previous to the present Government taking office. But those meats were supplied under Goldner's contract; this had given rise to much apprehension; he (Sir F. Baring) did not, however, participate altogether in those apprehensions. The supplies were put into the ships at a period when no complaint whatever of Mr. Goldner had reached the Admiralty, and there was therefore no reason for supposing that the supply was not perfectly sound and proper. In support of this position, he might adduce a circumstance to which most persons had not sufficiently attended. Among the remains and traces of Sir John Franklin's expedition were numerous Goldner canisters; and as, in each instance, those canisters were completely emptied, he thought they had procured the very best test of the meat having been perfectly good. He felt, indeed, confident, from this and other circumstances, particularly from the fact that no complaints had been received of the meats supplied by Mr. Goldner at that time, that the meats supplied to the gallant officers and crew of that expedition were quite good. With regard to the other expeditions, he had to inform the House that the contracts were special contracts, quite out of the general practice of the service; and the supplies, in those instances, were from different sources, but on each occasion were supplies of the best meat that could be had. He was, however, sorry to say, not for himself, but for the Navy in general, such was the present state of science in this respect, that the Board of Admiralty was not able to secure as good a supply as they could wish of these stores of food.

They had had, since Goldner's patent, different contracts, undertaken by different persons; and they had found invariably the same unsatisfactory results. These contractors were most respectable persons, extremely anxious to do the best; but it was a misfortune that the meat which they knew on examination to be good, would very soon afterwards, from the imperfect expulsion of the air, turn out to be extremely bad and unfit for use. It was at present out of their power to prevent that. The general impression of the House seemed to be that the meat obtained was bad meat. But he begged that the House would understand—and the fact would be clearly made out in Committee—that the discovery of anything bad or improper in the canisters was of extremely rare occurrence; and where this did occur it would be found to arise, not from the meat having been originally bad, but from good meat having been corrupted by the admission of air. He thought he had now said quite sufficient. He had shown that the Admiralty had not entered rashly on the system under which these things had occurred. He had also shown that there had been efficient examinations; that at these examinations the evil could not be precluded; and that, therefore, no blame attached to the officers of the Admiralty. He had shown that as soon as the Admiralty had received any serious complaint, the complaint was inquired into, and that the form of the contract was first altered, and that, subsequently, Mr. Goldner's contract was set aside. He had therefore only now to state that Mr. Goldner was a ruined man, and that it was the intention of the Admiralty to proceed against Mr. Goldner's securities. The right hon. Baronet concluded by moving, as an Amendment on the Motion for returns, that the returns with respect to the salted meats should be from 1841 inclusive, and with respect to preserved meats from 1845 inclusive.

COLONEL CHATTERTON: Sir, having had the honour to second the Motion of my hon. Friend the Member for Petersfield (Sir W. Jolliffe), I must beg the attention of the House to a few remarks I have to offer. The right hon. Baronet (Sir F. Baring) has taunted me, that, induced by local interests, I have dictated to my hon. Friend what course he should pursue. Sir, I utterly deny the statement, although, from my local interests, I should be perfectly justified in so doing. I shall now beg, in a few words, to call the attention of the House to the comparative merits of this Hungarian Jew, Goldner, and an eminent and most respectable house in the trade—that of Gamble and Co.—and let the House draw its own conclusions. For four years, commencing in 1846, this Goldner has enjoyed all the benefits of those contracts, and in no one instance has he faithfully or honestly performed them. His cases, in many instances, were short of weight, some not properly filled, and frequently returned into store as unserviceable, although, by the contract, they were warranted to hold good for five years; but certainly his great *coup d'état* was reserved for the year 1851; for out of 6,378 cases of preserved meat, 5,468 were, upon examination, found on opening to be a perfect mass of putridity, and many filled with the most filthy and revolting matter, which I shall not disgust the House by detailing. Besides these, there were 2,000 cases removed by Goldner's agent equally bad as those under examination—making a total of 7,468 cases found perfectly unfit for human food; and let this be borne in mind, it was only the produce of one store—that at Portsmouth; and I have no doubt were those at Plymouth, Sheerness, and others examined, similar results would be found. Now, Sir, permit me to detail the proceedings of another house in the trade—that of Mr. Gamble, of Cornhill, and Cork. These gentlemen have frequently been employed in the furnishing of preserved meats to the Arctic expeditions—to those of Captains Parry, Austin, Ross, &c. &c. Mr. Gamble supplied Captain Parry's expedition in 1819 and 1820, and in 1824 and 1825, with 24,314 cases of preserved meat, weighing 108,393 lbs., and not one of these cases, when opened, were found defective in the smallest degree; and it is a remarkable fact, that some of Gamble's preserved meat was on board the *Fury* when she was wrecked in the Arctic seas in 1826, and, upon examination by Captain Ross, was found in a perfectly fresh and nutritious state, although it had been exposed for a number of years to all the vicissitudes of a climate where the thermometer ranged from 80 above zero to 92 below. With these facts before their eyes, is it not strange that a Government should continue to patronise this Hungarian Jew? I greatly fear he has been employed to victual the last expedition under Sir John Franklin. It is impossible to imagine the despair and horror of these devoted and gallant men, when expecting a wholesome meal, to find these cases full of rottenness and corruption. This, alas! which I fear, severs another link from the already too slender chain of hope of their preservation. But, Sir, it is not the Navy alone that have suffered from these extraordinary and discreditable proceedings. The Army also have come in for their share; and I intend very shortly to make a statement the accuracy of which is undeniable, and which has partly come under my own observation. In July, 1849, one of the first and most distinguished regiments in Her Majesty's service, were ordered to embark for Hong Kong; and the *Apollo*, an old troop ship, was appointed for their conveyance from Cork, first taking in the necessary stores at Portsmouth for the voyage, including Goldner's preserved meats. The number to embark amounted to 689 persons; but upon embarkation it was found the ship could not contain so many, which with the crew, amounted to 789 persons—another proof of the admirable arrangements made by the authorities for the conveyance of Her Majesty's troops, cramming to repletion an indifferent old troop ship, having a voyage to perform in a tropical climate, averaging from four to six months, when so many vessels are actually rotting in our different ports. A representation was made, and most fortunately, as the sequel will show, attended to; and five officers, 130 men, and seven women, were removed to another ship for conveyance, leaving, including the crew, 672 persons for conveyance by the *Apollo*. From the first a most disagreeable smell and malaria pervaded the ship, which could not be accounted for. This increased during the voyage. The cholera unfortunately broke out; and in a short time one officer and twenty-five persons were consigned to the deep: these casualties doubtless caused by the crowded state of the ship, the malaria which prevailed, and the almost unsufferable heat (particularly at night) of the *Apollo* between decks. The soldiers became weak and emaciated, fresh provisions were considered essential, and some of Goldner's cases were opened: the cause of the impure atmosphere was immediately discovered, for the contents were a perfect mass of putridity—consequently rejected by all, and thrown into the sea, whilst the preserved meats purchased by the officers in Cork, from Mr. Gamble, for their store, were perfectly serviceable and excellent. I am convinced the House will commiserate with me the truly wretched state of these devoted persons, shut up in a bad and crowded ship—alone on the wide sea—without help near—a frightful disease raging on board—and bad provisions. It was decided they should steer for Rio; when they arrived, the troops were immediately disembarked on Isle Grande, and being placed in temporary huts and in some tents, and amply supplied with fresh provisions, soon regained, comparatively, health and strength. After a month's sojourn on shore, they again embarked—the *Apollo*, in the meantime, being fully cleansed and fumigated. She arrived in safety at Hong Kong, after a voyage of eight months; the other ship, with the remaining part of the corps, reaching her destination in four. But, Sir, the malaria continued, for Goldner's provisions were re-embarked. This sensibly affected the health of the men, and in a short time after arrival at Hong Kong, 130 men died in hospital, and afterwards the mortality continued to a frightful extent. Thus a noble regiment—one of the finest in the service—was nearly annihilated; and we can with truth assert that this was to be attributable to the hardships of this perilous voyage, and the provisions supplied by this Hungarian Jew. Such are some of the blessings of this much-vaunted system of free trade, by which our rulers are permitted to purchase poisonous food from foreign markets, and, for the paltry saving of about 1*d.* in the pound for this miscalled preserved meat, not only jeopardise but sacrifice the lives of the brave defenders of our country.

Admiral BERKELEY said, he felt it his duty to express his opinion, that when the proper time arrived, it would be demonstrated that the present Board of Admiralty, that had been so much abused in this matter, had done more than any of their predecessors to promote the health and comfort of those engaged in the naval service. The hon. and gallant Gentleman (Col. Chatterton) made a charge against one of the finest transport ships in Her Majesty's Navy—a large frigate which had been selected for conversion into a yacht by George IV., a ship perfectly sound in all respects; indeed, he defied any man who knew anything of the subject, to say there was a finer vessel in the service. Hon. Gentlemen laid it down that anything the Admiralty did was bad, and took up charges which were flung about in the newspapers, and came down here to repeat them, taking them all for granted. [Col.

CHATTERTON: I did nothing of the kind.] He had not stated the hon. and gallant Gentleman had done so, but that such things were constantly done. This vessel, so far from having been untried, had served, not only at Woolwich, but at Portsmouth. It was, indeed, very easy to make those general and sweeping allegations, but not at all so easy to prove them. The Admiralty had been found fault with for embarking troops in the *Megæra,* alleging that she was not a sound vessel; but the fact was, the *Megæra* was a properly selected and most efficient vessel, and had weathered a very severe gale of wind, notwithstanding the statements of a gallant Admiral, who had made himself conspicuous by his letters in the newspapers, and who alleged that the *Megæra* had broken down. He fully believed that the result of an inquiry would be the entire confirmation of the statements of his right hon. Friend (Sir F. Baring). All these questions the Admiralty were perfectly ready to meet, and he was satisfied it would come out in Committee, that everything had been done which ought to have been done in every case mentioned. For his own part he was obliged to the hon. Member (Sir W. Jolliffe) for having brought the subject forward.

MR. MILES said, he was not a little astonished at the speech of the gallant Admiral who had just sat down. He (Mr. Miles) regretted that the case of the *Apollo* and *Megæra* had been introduced into the discussion, and hoped the Committee would not inquire into them. The question was, whether or not a proper supervision had taken place over the supply of meat to the Navy—not the preserved meats of Goldner's merely, but the salt meat also. The right hon. Baronet (Sir F. Baring) had spoken of the system of preservation as not perfect; but they did not want to inquire whether the system was perfect or not, but how it was that abominable and excrementitious matter had come to be mixed up with the meat? He had received a letter from a naval officer, who stated the result of his own experience with regard to the supplies of provisions to the Navy. In quoting passages from that letter, he must beg to be excused for not giving either the name of the ship or the name of the officer, who thus wrote—

> "The preserved meats (Goldner's patent) are now being done away with; but it was truly disgusting to see the contents of some of the tins; the offal, in some cases, with the dung inside, looking more like horses' than anything else, being packed equally with the good meat. I have myself seen, while it was being issued on board this ship, it fall short of weight, or the contents were bad to the extent, on an average, of 15 per cent. The other day, at Jamaica, a survey was held on that remaining in store, and upwards of 13,000lbs. condemned as being unfit for food."

He (Mr. Miles) recollected when Goldner's patent provisions were first contracted for. It was for the year 1846–47, when a sum of 5,000*l.* was voted for that purpose. In the financial year of 1847–48, a similar sum of 5,000*l.* was voted for the same object. Had there been any complaint at the time the Naval Committee was sitting, no doubt it would have been inquired into; but, so far from that being the case, there was no evidence whatever adduced on the subject. The Committee examined Sir Henry Ward and the late Lord Auckland; and he (Mr. Miles) could well recollect that Lord Auckland said the supply of the Navy was perfectly satisfactory. Was that the case now? The right hon. Baronet (Sir F. Baring) had said, that while the contract was going on, in 1849, the meats were reported to be bad, and yet that another contract was entered into with Mr. Goldner two years afterwards. Why was the Admiralty so anxious to enter into that second contract? The Admiralty was not justified in giving this second contract to Mr. Goldner after the running contract was known to be so ill supplied. But where were the securities? Why were they not proceeded against? Was everything done to take care that Mr. Goldner should perform his contract properly? Again, he wished to know what had been the quantity of meat destroyed under the contract from its commencement? He wished to see how they stood in pounds, shillings, and pence with Mr. Goldner. He knew perfectly well how they stood with him in regard to provisions, for nothing could be more execrable; but what he was desirous of knowing was, whether the people of this country, or Mr. Goldner, had been mulcted? That seemed to be the whole question. Another subject of inquiry before the Committee would be that of salted provisions. In the letter to which he had referred it was stated, with regard to salted provisions, that—

> "In the first place the quantity condemned to be returned into store for the benefit of the Crown, or to be thrown overboard, is very great. In the second place, there is a great loss of weight in boiling; the meat is cut into four-pound pieces, including bone, before boiling, and the average weight has been about 1¼lb. after, hardly ever 2lb.;

some I have seen as low as 9 oz. with bone. Now, as the men are allowed 2lb. of uncooked meat extra for each 4lb. piece that loses half its weight in boiling, there is a considerable sum paid for extras, as the following account of our estimates will show, beginning July 1, and ending November 7:—

	SOUND.		CONDEMNED.	
—	Proper Allowance.	Extra, to make up deficiencies in weight.	To be Sold for the benefit of the Crown.	So bad that it required to be thrown overboard.
	lb.	lb.	lb.	lb.
Beef ...	2,445	1,012	1,824	1,118
Pork ...	6,023	2,092	40	28

The beef condemned was repacked and examined in January, 1849. The cause of decay seemed to be from the great quantity of blood left in the meat. The worst meat for losing weight was supplied to Government in Oct., 1847, or rather, I say, packed at that time; the pork was examined in January, 1850."

This statement showed the necessity for a strict inquiry being instituted into the whole subject, for it was not only on shipboard that these provisions were being given, but the colonial service was affected by it; and he trusted the inquiry to be instituted would be full and searching—that it would extend to ascertaining, not only what had been the nature of the supplies to our fleet, but to the expeditions which had been sent to the Arctic regions— Sir John Franklin's, for instance.

Mr. CORRY said, that having been connected with the Admiralty at the time the provisions were supplied to Sir John Franklin's expedition in 1845, he felt bound to remove the impression which appeared to be entertained, that the crews of the Arctic vessels were suffering from the improper food supplied by Mr. Goldner. In 1845 preserved meat was not issued as an article of food, but as one of medical comfort. At that time so excellent were these provisions that not more than one per cent of them had been found to be bad, while in the best qualities of Irish salt meat it amounted to from two to three per cent; so that in point of fact, there was then greater safety in the potted meat than in the ordinary salt provisions. The medical comforts of the crew were, however, most carefully looked to. The ordinary preserved meat for the use of the Navy was supplied to the Admiralty at the price of 5*d*. per lb. Being, however, anxious that the crews of this expedition should be furnished with meat of the best possible character, a separate and special contract was entered into by the Admiralty with Mr. Goldner, for supply of the very best description of meat, at prices ranging from 8*d*. to 1*s*. per lb. He thought that this explanation would tend in some measure to allay the anxiety which was naturally felt on the subject of the provisions supplied to the Arctic Expedition. It was also well known that meat in the cold latitudes of the Arctic regions was not liable to decay; and in confirmation of the safety of supplying provisions of the kind, he might state that of 35,000 cases supplied to Captain Austin's expedition, only eighteen were found to be faulty. Some of the meat had been returned into store, and recent examinations had tended to confirm the opinion upon the subject. On all these grounds, therefore, he thought the public might safely conclude that the safety of Sir John Franklin and his crew would be in no degree perilled by the nature of the provisions which they took with them.

Captain SCOBELL rejoiced that this subject had been brought before the House. He had listened with much attention to what had said on both sides, and it struck him that if Gentlemen on the other side of the House (the Opposition) were to have their Committee, they were giving evidence before the Committee sat. The Committee would hear evidence on all sides, whereas those hon. Gentlemen were only making statements and reading letters which they had received from parties interested on one side of the question. No doubt those who now administered the affairs of the Navy would be able in Committee to answer all the points which hon. Gentlemen were now prematurely bringing forward. He had belonged to the Navy before the discovery of the art of preserving meats, and he was not sorry for it; but they had brought that meat into consumption in the Navy, and it was his opinion that unless the system of supply was much amended, it was not likely to be finally approved of.

Colonel SIBTHORP said, he was not at all surprised at the Government preferring a Hungarian Jew contractor to one of our own countrymen. He had often recommended an improvement in the construction of the Board of Admiralty—worse than it now was could not be conceived. Too many cooks spoiled the broth. He recommended the cutting down of two lay Lords; and he should say of them as he said of a noble relative of his who was in the Admiralty Board, that he would be sea-sick in a punt under Westminster Bridge. As regarded the contracts for stinking meat, he wanted to know how many tenders there were from solvent and respectable men, besides that which Goldner sent. Probably Goldner would now be knighted, as knighting was the order of the day. However, he still indulged a hope that the name of Goldner would not be suffered to disgrace the list. He wanted to know what tenders had been offered by people in the United Kingdom, and how it was that nobody had any chance with the Admiralty but this Hungarian Jew ? He never yet had been Jewed, and, with the assistance of God, he never would. The meat was not made to feed, but to poison. Had he his wish, the Board of Admiralty should be put to feed upon this stuff, instead of those fine dinners which they feasted upon. He would like to know where the price of those dinners came from. He supposed from the same source as the editor of the *Dublin World* newspaper had been paid—out of the secret service money. 7,000*l.* were lavished upon the *World.* He supposed there were other departments of Her Majesty's Government equally well managed. The water on board our ships was, he believed, as good as the preserved meat; and the cheese—American cheese—would choke a dog.

Mr. MACGREGOR was anxious not to let the question pass without a few words of observation. With the exception of the ships of the United States, the British Navy was better victualled than those of any other service in the world. It was a fact which ought to be extensively known that the victualling of ships was exclusively made up without reference to preserved meats. A sufficient quantity of food was put on board, and preserved meats were only superadded to the store already obtained. This was a circumstance which, were it known, would allay much anxiety in the residents of many of the seaport towns. The right hon. Baronet at the head of the Admiralty had taken as much care and bestowed as much pains on his department, as any person who had ever preceded him in that office; and if blame were to be attached to any person, it certainly was not the right hon. Baronet. There had been a great deal of exaggeration on the subject, and he was quite satisfied that upon investigation it would turn out that the First Lord of the Admiralty had taken every possible precaution in the way of security. It was clearly impossible, however, that he could foresee how this contract would turn out. He (Mr. Macgregor) believed that many cases of damaged meat had been designedly placed in the contract for some wrong purpose. He trusted, however, that in future the preserved meats for the Navy would be made up in this country, and he was, therefore, glad that the subject was to be referred to a Committee.

Sir WILLIAM JOLLIFFE, in reply, said, he had, in bringing forward the Motion, acted on his own responsibility, and not under the advice of any person or party whatever. He was satisfied that the inquiry should include the years 1845 and 1846, and, therefore, he was prepared to adopt that portion of the suggestion which would include the victualling of the *Erebus* and *Terror.*

Sir FRANCIS BARING was only too happy to give the fullest facilities, and to make the inquiry as strict and as searching as possible.

Select Committee appointed.

LAW OF MORTMAIN.

Mr. HEADLAM, in rising to move the reappointment of the Select Committee of last Session to inquire into the Laws of Mortmain, said, that the Committee examined a great number of witnesses, some of whom gave very interesting and valuable evidence. Owing, however, to the late period of the Session to which their inquiries extended, the Committee separated without making any Report. He was now anxious that the Committee should be reappointed in order that they might receive some slight additional evidence before proceeding to make a Report. The Master of the Rolls for Ireland had been an active member of the Board for administering the Charitable Bequests Act in Ireland, and was able to give some valuable evidence to the Committee. He was unable to come over last Session, and he (Mr. Headlam) wished the Committee to be reappointed, in order that his evidence might be taken on the operation of the present Law of Mortmain. There was some misapprehension as to the objects of the Committee, but he trusted their labours would lead to the law being placed upon a better foundation than at present. The Act of Lord Hardwicke had entirely failed in its object, and an Amendment in the law was requisite. They had no desire to offer any impediments to the stream of charitable donations; but they considered that it was infinitely better for those who had anything to give to give it during their own lives, when they could superintend its distribution.

Select Committee appointed.

BRAZIL MAIL PACKET CONTRACT.

MR. FITZSTEPHEN FRENCH moved for

> "Copies of the Tender made, or Agreement or Contract entered into, with the West India Mail Packet Company, to carry the Mail to the Brazils at three shillings and twopence per mile, and the number of voyages performed by that Company under such Tender, Agreement, or Contract."

In bringing forward this Motion, it was necessary for him to make a short statement as to the course pursued by the Admiralty in reference to this subject. Up to 1849, Government was in the habit of carrying, through the instrumentality of their own officers, the mail from Holyhead to Dublin at an annual cost of about 56,000*l.* At that time Lord Auckland deemed it advisable that the service should be contracted for. It was put up to tender, and the Dublin Steam Packet Company offered to do it for 45,000*l.* a year. A director of the Mail Packet Company was told by the Lord of the Admiralty, whose peculiar province it was to regularly to transact such business, that their tender was accepted. However, certain parties connected with the Chester and Holyhead Railway thought it necessary to remonstrate with the Admiralty. It appeared that a transaction by the Admiralty must have a counter signature at the Treasury. Taking advantage of this, although the lowest tender had been accepted, the Treasury thought it necessary to interfere, and insisted that the matter should be reopened, and these gentlemen were forced to take it afterwards much under that sum, for the protection of their Liverpool traffic. If that had always been the course pursued, perhaps he should not have so grievous a case; but his complaint was, that that had not been the course, and that, on the contrary, a totally different principle had been acted upon. In 1849, Lord Auckland deemed it advisable that the last of the sailing packets from England to the Brazils should be superseded by a steam-packet, and he entered into an agreement with the Screw Steam Company, that the mail should be carried at a certain rate, the lowest rate that at that period had ever been agreed to by any company. The screw steamers were prepared to carry out this agreement, but the Treasury pursued the same course as in the case of the Dublin Steam Packet Company. They stated that they would not sanction it unless the services were put up for tender. A tender was accordingly made by the West India Steam Packet Company at 3*s.* 2*d.* per mile, and the contract was given to them. Now, the Screw Company were prepared to have carried the mails at 3*s.* 4*d.* per mile, whereas the other Company had only one small screw steamer, the *Esk*, which was totally unfit for the service. They never took any steps to carry out the contract, nor were any proceedings instituted by the Admiralty to force them to do so, although it was clearly their duty to see the public service performed. So matters went on until the contract for the carriage of the mails to the West Indies expired, and then a joint contract was given, without a public tender being called for, to the West India Mail Company, for the carriage of the double mails at the enormous sum of 270,000*l.* a year. He really could hardly credit the statement he was about to make, but he was informed that this contract had been given for the period of ten years, although a tender from another Company equally competent was in the possession of the Admiralty, to do the same service for 80,000*l.* a year. Thus, a sum of 190,000*l.* of the public money had been wasted. He knew no reason why this particular Company, either on public or private grounds, should be peculiarly favoured; yet no stipulation had been introduced into the contract, that the ships should be of timber of a certain scantling, or that they should be able, in case of war, to carry guns of a certain calibre; which he had been informed they would not be able to do. Again, though the Admiralty, in spite of the advantages offered by the employment of iron in shipbuilding, had decided against the use of iron vessels, they had, nevertheless, allowed them to be used by this favoured company. Again, the Admiralty had taken no care as to the kind of wood of which the ships were made. The vessels of the Screw Company were of oak, whereas those of the other company were of pine; and they had seen the evil effects of the use of pine, in the calamity which had occurred to the *Amazon.* That ill-fated vessel was built of pine, and the turpentine in that wood had added fury to the flames. The West India Company were now not efficient in the performane of their duties, for complaints were constantly being made against them. Letters from the West

Indies were sent to New York to be brought to England by Cunard's line, for expedition. The company had not been selected for their patriotism, for they had adopted in the West Indies a Danish island for their station. Seven of its vessels had already been lost, five of which, according to the evidence of their own secretary, had been wrecked in consequence of the gross negligence of their commanders. It had been said that the reason of the favour which had been shown the Company was in commiseration of their losses; but even there they were unable to make a case, for their directors had stated that they had a fund of half a million for the building of ships, and they had made a dividend of 8 per cent. He had been informed that at this moment the Admiralty had entered into a contract for the Australian service, with a company which had yet to be formed; and which had offered terms so ruinously low that it was impossible for them to be fulfilled. It was essential that the mail service of this country should be efficiently performed; and yet it was said that the Admiralty had entered into a contract with a company which had neither ships nor capital. There were two companies perfectly competent to have taken the contract—the Oriental and Peninsular, and the Screw Company—and yet the Admiralty were said to have selected a company which might or might not be formed. In conclusion, he had only to state that he had received the information which he had laid before the House from persons high in authority in the different companies to which he had referred; and no one would be more gratified than himself if the explanation of the hon. Gentleman opposite should prove satisfactory. The hon. Gentleman concluded with his Motion.

Mr. COWPER said, that the only objection he had to the Motion of the hon. Gentleman was, that no such documents were in existence. There had been no tender made for 3*s.* 2*d.* per mile, and there was, therefore, no agreement, and no contract, consequently the return must be *nil.* Of course, if the hon. Gentleman liked to move for the returns, the Admiralty would make no objection, for they desired that the most searching inquiry should be made into the whole of the circumstances. The hon. Gentleman had said that he should bring grave charges against the Board of Admiralty; but it appeared that they all amounted to this, namely, that in three cases the Admiralty had made bargains ruinously low to the contractors. With reference to the last, the Australian Company, the contract was certainly very low; but the company was composed of persons of capital and substance, who had a good name in the City, and who could give effectual security that they would perform their undertaking, or pay the penalty to which they would be exposed if the contract should be broken. As to the conveyances of the mails between Dublin and Holyhead, it was quite true that the Admiralty had at one time entered into an agreement to pay 45,000*l.*, and had ultimately made a contract to perform the same service for 25,000*l.*, thereby saving 20,000*l.* a year. That charge was perfectly correct. They were on the point of entering into a written agreement for the former sum; but, fortunately, before any formal document had been executed, another party stepped in and signified their wish to tender. The first negotiation was therefore broken off, and the result was a saving of 20,000*l.* a year to the public. He could speak with confidence and certainty upon this subject, because, since then, it had been brought before a Committee of that House, which had reported in terms of the greatest approbation of the Admiralty's conduct; and it was certainly no great matter of reproach to save 20,000*l.* per annum. With regard to the Brazilian contract, the lowest tender was accepted, being that of the West India Company. It was true the Screw Steam Packet Company made a proposal and laid a plan for the sevice before the Admiralty; but instead of accepting that proposal at once, they called for tenders, and as the Screw Company did not make the lowest tender, they did not obtain the contract. So far the result was favourable to the practice of the Admiralty. The tender of the West India Company was accepted; but after its acceptance the Company found their vessels were, by age, unable to compete with the more rapid vessels put into those seas by the United States, and that they must go to a large expenditure to procure more efficient vessels of greater power; they made a proposal to the Admiralty for a fresh contract. [Mr. French: How long after?] In the year 1849. Their proposal was not agreed to, because a Committee of the House of Commons was then sitting on the subject, and it was thought desirable that the whole of this contract should be made the subject of examination before that Committee. Nothing was thus actually done for a year and a half; and the West India contract expiring, a proposal was made to do the double service of the Brazils and the West Indies. The West India Company had received 240,000*l.* for the single service, and therefore if they received 270,000*l.* for the double, it was clear that the Admiralty only gave 30,000*l.* more than they had given before. There was no public tender; but the offer of the other company was about 30,000*l.*, and if the Admiralty had accepted its offer on the moment, the cost of the two companies for performing the double service would have amounted together to precisely the same sum. The public, however, had been the gainers by the arrangement ultimately come to, inasmuch as instead of vessels of only 100 horse-power, ships of 400 horse-power were used, and the service was conducted in a much better manner in consequence. It was quite a mistake to suppose that the contractors had not executed an engagement with respect to the manner in which the ships should be built. The regulation as to the armament of the vessels was strictly enforced; and it had been ascertained that it had been rigidly fulfilled. It was true that there was no agreement as to the character of the wood to be employed, and therefore the Admiralty could not interfere on that subject. There was no case in which iron vessels had been allowed by the Admiralty in the conveyance of mails, except in one instance, where they had applied for permission to use an iron ship as an indulgence; and as the company had besides that ship the full number which they were required by the contract to have, the Admiralty could of course have no objection to their having an extra vessel. It was probably this circumstance which had misled the hon. Gentleman. If, then, there was any just reason to reproach the Admiralty, it would only be on the part of the companies who might perhaps complain that the Board had driven too hard a bargain with them; and as the hon. Gentleman was understood to take a warm interest in one of the companies, he (Mr. Cowper) could understand why the hon. Gentleman complained. The Admiralty, however, had not dealt harshly with the companies. They had certainly endeavoured to make good bargains with them, as they were bound, but they had never treated them unfairly, or shown the slightest partiality or favour.

MR. HUME said, the explanation of the Admiralty was perfectly satisfactory to him, and he merely rose to impress on the Government the importance of giving our colonies the advantages of the penny postage. A letter could be sent to Ireland or the Channel Islands for a penny; and he could not see why every one of our colonies should not have the same advantage. We were paying for foreign postage service 600,000*l.* or 700,000*l.* a year, and the amount of postage receipts was inconsiderable. In vessels of 2,000 tons there could be no difficulty in devoting a hundred tons to the mails instead of thirty or forty tons; and it would be so beneficial, and so high a satisfaction to those who were obliged to expatriate themselves, that he trusted Her Majesty's Government would place our colonies in the same position as Ireland or the Channel Islands. It might be done without increase of charge for the service, though he anticipated a reduction of receipts; but when the House saw how inconsiderable those receipts were, he was sure there would be no objection to placing our colonies within the range and facility of penny postage.

MR. FITZSTEPHEN FRENCH would be very happy to take the return in any way the Admiralty might wish; but surely the hon. Member for Montrose had not been in the House when he (Mr. French) made the statement that 270,000*l.* a year was being paid for a service tendered at 80,000*l.*, or the hon. Member would not have expressed himself so perfectly content with the explanation of the Admiralty, which left that statement unanswered. If the hon. Member was content, he was the only person that was so.

Copies *ordered.*

IMPROVEMENT OF TOWNS (IRELAND) BILL.

SIR WILLIAM SOMERVILLE moved for leave to bring in a Bill to make better provisions for the paving, lighting, cleansing, supplying with water, and regulation of towns in Ireland.

MR. MONSELL said, he must call for an assurance from the right hon. Baronet the Chief Secretary for Ireland that the same course would not be pursued with this Bill as was pursued last Session, when, within three days of the prorogation it was abandoned, and all their labour was found to have been in vain.

MR. ROCHE hoped the right hon. Gentleman would also give some information of the mode in which he proposed to carry other important Bills relating to Ireland through the House. He would suggest setting aside some portion of the week for Irish business.

Sir WILLIAM SOMERVILLE said, it did unfortunately happen that at the end of last Session it was found impossible to carry a great number of Irish Bills successfully through the House. That very important Bill, for the better Administration of Justice, was carried, but the Bill now before the House was abandoned. For himself, he could only say it was his full determination to omit no effort which should bring this Bill to a successful issue during the present Session. He had fixed the second reading for this day week, and should name an early day for going into Committee. In the last Session many clauses were inserted in Committee, which occupied a great deal of time; but many of those Amendments were now included in the Bill.

Leave given: — Bill *ordered* to be brought in by Sir William Somerville and Mr. Attorney General for Ireland.

Bill read 1°.

PHARMACY BILL.

Mr. J. BELL said, the Bill for regulating the qualifications of Pharmaceutical Chemists, which he asked leave to bring in, was the same he introduced in the last Session, with Amendments, to meet objections then raised against it. To comply with the forms of the House, he would move that the House resolve itself into Committee for the purpose of giving leave for the introduction of the Bill.

"*Resolved*—That this House will, immediately, resolve itself into a Committee, to consider of regulating the qualifications of Pharmaceutical Chemists."

House in Committee.

Mr. HUME wished to know, whether anything had been added to render the Bill more acceptable, and whether it had received the approbation of Her Majesty's Ministers?

Mr. J. BELL said, he had been in communication with the right hon. Baronet the Secretary of State for the Home Department; he had no objection to bringing in the Bill, and as soon as he had seen it he would state whether he would support it or not. The objections last year were, that the Bill gave too much power to the body which it created, and it had since been altered to meet those objections.

"*Resolved*—That the Chairman be directed to move the House, That leave be given to bring in a Bill for regulating the qualifications of Pharmaceutical Chemists."

House resumed.

Resolutions *reported.*

Bill *ordered* to be brought in by Mr. Jacob Bell and Mr. Ewart.

Bill read 1°.

CUSTOMS.

Mr. MITCHELL moved the appointment of the Select Committee on Customs.

Mr. W. WILLIAMS thought there was already sufficient evidence to satisfy the Government that there ought to be some change in this department, and therefore he did not see the necessity for the appointment of the Committee. Three years ago a Commission was appointed, including officials and Lords of the Treasury, and they reported that the Commissioners and officers of Customs had been guilty of neglect of duty, and had shown their incompetency in the issue of orders which it was impossible for officers under them to carry out. The Customs presented such a scene of mismanagement that frauds had to an unknown extent taken place, in which officers of the Customs of high rank had been concerned. There was overwhelming and, if possible, stronger evidence before the Committee appointed last Session of the total incompetency of the Board. The blame rested, he believed, more with the mode in which the Board was constituted, than with the individuals of which it was composed; though when they looked at the appointments to that Board—not in reference to the present Board more than to any former Board—it did appear the Commissioners—of which there were nine —were not appointed for their competency to discharge the duties of the office, but merely to fill places; and he had heard it often described as a sort of refuge for the destitute. The cases of the St. Katherine and London Docks further showed that the Board of Customs ought not any longer to be entrusted with the management of that important department; and he was surprised that the noble Lord at the head of Her Majesty's Government, having seen the Report of that case—having seen the Report of the Commission, and having heard the statements which had been made before him by the leading merchants of the city of London and of Liverpool, showing the total inefficiency of the present system for the collection of revenue, did not propose any change. With regard to the proceedings of the Board of Customs against the St. Katherine's and London Docks, to which he (Mr. W. Williams) had alluded, the Customs—without any justification, without any evidence save that picked up, in the first instance, from discarded servants, and afterwards obtained from upwards of sixty of the dock servants, who were paid for giving evidence, sent a body of their officers through all the warehouses, containing 12,000,000*l.* or 14,000,000*l.* of property, threw everything into confusion, made seizures of packages to the value of 20,000*l.*, and issued 120 informations against these docks for defrauding the revenue. Every means were taken by the dock companies to bring on a speedy trial. The Board of Customs threw impediments in the way. At last one case was brought to trial, and after occupying eleven days, and costing the dock company 10,000*l.*—he supposed the costs to the public on the other side would be as much—the jury found there had been only irregularity, without any intention to commit fraud, on two packages of the value of 6*l.* Every means were then taken by the dock companies to go to trial on the other informations; but after numerous delays, the Custom-house Board came forward and offered to compromise these charges of fraud to the amount of 20,000*l.* for 5*l.*, and which, owing to other influence, was eventually compromised for 100*l.* in each of the cases. Having charged the docks with having committed these gross frauds, and having offered to compromise them for 5*l.*, the Board of Customs had been guilty either of great calumny and oppression, or of participating in compounding for frauds on the public of a most serious amount. In either case they were unfit to manage a department through which 22,000,000*l.* sterling of duties, 65,000,000*l.* sterling of imports, and 71,000,000*l.* sterling of exports, passed through last year. But if such was their conduct to the principals, their conduct to the servants of the dock was much worse. He learnt from a petition which he had presented, that servants of the company who had for thirty-six years, twenty-eight years, twenty years, and other periods respectively occupied situations of trust, and borne irreproachable characters, were arrested like common felons, and taken, not before a magistrate, to ascertain whether their detention was just or not, but to the Central Criminal Court, and some were absolutely committed to gaol, because they were not prepared with bail on the instant. These men demanded a trial. The trial was first put off, and when the time fixed arrived, was removed to another court, to the incurring a great expense for their defence, and at last these men were set at liberty, the whole charge was abandoned, and the amount of robbery charged turned out to be the sweepings of the warehouses, of the value of 4*l.*, and, supposing duty to be payable, only of the value of 27*s.* For a year and a half these men were kept with the charge hanging over them, and put to the expense of some hundreds of pounds. After these circumstances were known, could Her Majesty's Government hesitate in making an instant change in the Customs, or did they really think these men were fit to have the management of this, the most important, department in a commercial country? During the last year the public newspapers were teeming with complaints of the unjustifiable conduct of the Custom-house officers in the examination of passengers' luggage. He himself came from Ostend, and had to wait two hours and a half to get his portmanteau, and his was the first examined from amongst the baggage of 170 passengers, who were detained he knew not how long in a dirty filthy room. He wrote to the Lords of the Treasury, and it became perfectly evident that those most important gentlemen thought him guilty of great presumption in complaining, for he had to send four letters before he could get an answer to the most ordinary question, and the whole tone of conduct was such as would not be expected towards any Member of that House. He knew not why those gentlemen were so important, unless it be that they were receiving a vast deal of money, more than they had either the ability or industry to deserve. He did hope this Committee would not be granted by Her Majesty's Government for the purpose of delay. The noble Lord at the head of the Government had received a very large number of the most important merchants of London, and they had represented to him the perfect inefficiency, the endless inconveniences, and the harassing impediments to the commerce of the country inflicted by the present system. After such evidence he had hoped the noble Lord would have taken up the question, and effected a thorough reform; and unless he placed at the head of that department a Member of this House and a Member of the Cabinet, it would never be found satisfactory to the merchants, or efficient in the collection of revenue. He did not so much object to the Committee; but he certainly thought overwhelming evidence already existed of the necessity of an entire change in the present system of management of the Board of Customs.

Lord JOHN RUSSELL said, he was perfectly ready to assent to the appointment of the Committee, with the view that it might be able to point out such alterations in the laws or regulations of the Customs as might be useful to the commerce of the country, and be conducive to the public service. After listening to the representation of the deputations to which the hon. Member had referred, and considering a very long and elaborate report from the Board of Customs, he had been ready to appoint a Commission on the subject. The hon. Gentleman (Mr. Mitchell), however, preferred a Committee of that House; and now, after he (Lord John Russell) had complied with the preference of the hon. Gentleman, he was told by the hon. Member for Lambeth that this was done for the purpose of delay. [Mr. Williams: I said I hoped it was not done for the purpose of delay.] He had no doubt that the very able Gentlemen who were to be nominated members of the Committee would apply themselves to the consideration of those reforms that might be usefully made. With regard to the proposition of the hon. Gentleman, that the Board of Customs should be abolished, and that one Commissioner should be appointed who should have a seat in that House and be a Member of the Cabinet, he did not think it would be an advisable change; and, if he did adopt it, he was afraid he should be told that he had done it for the sake of patronage. He must also say, with regard to the present Chairman at the Board of Customs, Sir Thomas Fremantle, that the right hon. Gentleman was no political friend of his, because in that House the right hon. Gentleman was generally entirely opposed to him in political sentiments, and was placed by the late Sir Robert Peel in the very high and responsible situation which he now held; but he believed that a man of greater honour or of more attentive industry in the performance of his duties could not be found. With regard to some of the legal questions that had arisen, the hon. Gentleman had considered himself bound to take legal opinions, which opinions could not have been well founded; but he (Lord J. Russell) thought there was nothing to induce that House or the Government to withdraw their confidence from a most meritorious public servant.

Mr. HUME did not believe there was a man connected with the trade of this country, whether in England, Scotland, or Ireland, who had not fully made up his mind that the Board of Customs ought long ago to have been remodelled. This was not a question of politics; every class of the mercantile community had already expressed their condemnation of the present system, and he could only regret that Her Majesty's Government, with such a mass of evidence before them, should still hesitate upon the subject. He also had long known Sir Thomas Fremantle, and had been opposed to him for years in that House. He could also bear his testimony that he had always considered him to act like a gentleman in all his proceedings there. But his observations were directed against Sir Thomas Fremantle, not in his personal character, but as the head of a Board which had made itself notorious for causing delay in the transmission of all sorts of goods, whether exports or imports. Indeed, he had lived long enough to say, that he now began to doubt all Boards; he was for one or more responsible individuals in every department. Since, however, Her Majesty's Government wished to have the opinion of the Committee, he trusted that the Committee would go into the whole question, and particularly that they would review the whole proceedings respecting the late compromise with the Dock Companies which he considered discreditable to both parties, and which he believed had been come to in order to prevent this Committee from offering any opinion upon the conduct of the Board. But he trusted the Committee would go into the whole question, and see who was in fault, whether the Dock Companies had been guilty of fraud, or whether the Board of Customs had acted ignorantly or maliciously in bringing against them a criminal charge. The noble Lord at the head of the Government had given the Committee a fair challenge, and he trusted the Committee would accept it, and inquire not only into what was fact, but with regard to the future remodelling of the Board, and whether any reductions could be made in its staff, for he regretted to say, that though the late Sir Robert Peel had reduced or abolished between 600 and 700 articles of customs, yet no reduction whatever had taken place in the number of officers.

MR. CORNEWALL LEWIS said, he did not think it was desirable that they should, in the Motion now before them, enter into all the points which had been raised by the hon. Member for Lambeth (Mr. W. Williams), or the hon. Member for Montrose (Mr. Hume); but at the very severe censure that had been passed on the Board of Customs, he felt he could not remain wholly silent. He did altogether question the statement that the Board had thrown any difficulty in the way of the progress of the trials which had been alluded to, or that they had placed any impediment in the way of the trade of this country. The present Board was at least as liberal as any which preceded it. It had originated many improvements, and it was not right to say that it had thrown impediments in the way of justice. It was the duty of the Board to see that the statutes relating to the Customs were faithfully acted up to. They had to see that the law as to the Customs' duties was carried into effect, and, being responsible to the Crown for the collection of 22,000,000*l.* of revenue, a very great responsibility devolved upon them. Last year they came into contact with two great and powerful companies, and having taken legal advice, they were told by the law officers of the Crown that they would not be doing their duty properly if they did not institute legal proceedings against them. With respect to the compromise which the hon. Member for Montrose said was effected, in order to prevent inquiry, and to screen the conduct of the Commissioners of Customs, it so happened that the proposal for the compromise did not originate with the Commissioners, but with the London Dock Company. That compromise, too, was by no means an unprecedented occurrence; for, some twenty years ago, a dispute having arisen between the Customs and the Dock Company, it was settled in the same way, and by the payment of a small fine. He was not aware at that time that any censure was passed upon the Board of Customs for making that compromise. As the hon. Member for Bridport (Mr. Mitchell) had named him a Member of the Committee, he could promise the House that he would support the utmost facility being given to the reception of evidence, or suggestions as to the way in which the law ought to be administered, or as to any changes in the law itself; and he sincerely hoped the reappointment of this Committee would be the means of showing that the greatest misapprehension prevailed as to the alleged maladministrations of the Board of Customs.

MR. MITCHELL said, that hon. Members on the Government benches had fallen into one or two slight inaccuracies. The noble Lord the Member for the city of London, had said, that if any mistake had been committed by the Board of Customs, it had been under the direction of its legal adviser; but the evidence went to show that, although in every step they had legal advice, the Board and its Chairman had exercised their own discretion as to the manner in which they should carry out the law. He (Mr. Mitchell) therefore protested against the assumption that if there were any blame, it was attributable merely to a lawyer's mistake, and not the Commissioners of Customs themselves. Sir Thomas Fremantle admitted over and over again to the Committee that he had acted upon his own discretion. Another statement, that made by the hon. Member for Herefordshire (Mr. C. Lewis), might be technically right, but it was substantially wrong. The hon. Gentleman said, that the proposal for a compromise came first from the Dock Company. The first letter of the correspondence which eventually led to a compromise might be written by the Dock Company; but if the hon. Gentleman would inquire, he would find that Sir Thomas Fremantle, when he went down to the docks with a foreign gentleman, condescended to ask Mr. Cattley, the chairman of the Company, whom he had charged with smuggling, to go over the docks with them, saying that they should no doubt be as good friends as ever when all this was blown over; and he would find, too, that the officers of the Customs repeatedly intimated that the Commissioners were quite ready to accept proposals for a compromise. That was not in evidence, but he felt bound to mention it, inasmuch as the statement of the hon. Member for Herefordshire, that the Dock Company made the original proposal for a compromise was also not in evidence. He would express no opinion whatever on this subject; but as far as in him lay, he would, if the Committee were reappointed, do his duty in respect to the inquiry.

Committee *nominated.*

The Motion was agreed to, and the following Members were nominated as the Committee:—Mr. Mitchell, Mr. Cornewall Lewis, Mr. Goulburn, Mr. Gladstone, Sir John Yarde Buller, Sir George Clerk, Mr. William Brown, Mr. Alderman Thompson, Mr. Forster, Mr. M'Gregor, Mr. Archibald Hastie, Mr. Alderman Humphery, Mr. Moody, Mr. Anderson, and Mr. Tennent.

PASSENGERS ACT AMENDMENT BILL.

Mr. PEEL moved for leave to bring in a Bill to amend and consolidate the Laws relating to the Carriage of Passengers by Sea. As the Bill involved no new principle of legislation, he did not feel called upon to make any remarks, except that its object was to render more effective the laws now in existence. A Committee had been appointed on this subject last Session, presided over by the right hon. Member for South Wiltshire (Mr. S. Herbert), and the report of that Committee contained a variety of suggestions of great value, most of which he had embodied in the Bill he now sought to introduce. He anticipated it would, if agreed to by the House, be a measure which would have the effect of providing more efficiently for the comfort and the security of the hundreds of thousands of our fellow-subjects who now left the shores of the United Kingdom every year for Australia or the United States.

Mr. HUME submitted that there ought to be laid upon the table of the House a return of all the ships carrying emigrants which had been lost during the past year, inasmuch as there existed out of doors a strong opinion that there was a great want of attention on the part of the authorities with respect to that examination into the seaworthiness of emigrant ships which the House had desired should be made. It was a matter of the greatest importance, as he could assure the House that he knew of cases in which persons desirous of emigrating had been deterred from doing so by the serious and repeated losses of emigrants, from the ignorance of the officers, or the badness of the ships.

Mr. CHISHOLM ANSTEY wished to know whether this Bill applied only to steerage passengers, or to cabin and intermediate passengers also? Ships, not called emigrant ships, but which, nevertheless, took out emigrants, were often scandalously deficient in their supplies of food and water, as well as defective in construction and arrangement; and their sanitary regulations were, in fact, no regulations at all. He made a voyage to the Cape himself in one of these vessels, and he could assure the House that not a day passed in which the passengers were not in fear of plague, pestilence, and famine; and on looking into the law, on their arrival at port, he found they had no remedy whatever.

Mr. PEEL said, that the provisions of the Bill did not include what were called cabin passengers, but they did include intermediate, as well as steerage passengers.

Mr. GOOLD, on behalf of his emigrating countrymen, expressed his gratitude to the hon. Member (Mr. Peel) for this measure, which he believed was very much required.

Leave given:—Bill *ordered* to be brought in by Mr. Peel and Mr. Labouchere.

Bill read 1^{a}.

The House adjourned at half after Nine o'clock.

HOUSE OF LORDS,

Friday, February 13, 1851.

Minutes.] *Sat first.* — Viscount Hutchinson, after the Death of his Father.

Public Bills.—1^{a} Patent Law Amendment.
2^{a} County Courts Further Extension.

SALE OF ARMS AND AMMUNITION TO THE KAFIRS.

The Earl of MALMESBURY moved, pursuant to notice, for a Return of the Customs accounts of Gunpowder and Arms imported since 1847 into the colony of the Cape; and for an Address for a Return of all Ordinances published at the Cape as to the sale of the same previous to November 17, 1851. The noble Earl then said: When I addressed your Lordships upon the subject the other night, I confined myself to the only fact which had then come to my knowledge. In reading the blue book, however, laid upon the table by the noble Earl the Secretary for the Colonies, I find that since the war broke out at the Cape, certain British merchants have not been ashamed to export from this country and others to the Cape, and have not been ashamed even of selling to our enemies, the Kafirs, arms and gunpowder, to the prejudice of our best interests both at home and the colony itself. The noble Earl has reprobated this practice; and it having come to the knowledge of the Governor in November, he published an Ordinance to prevent, as far as he could, further dealing and smuggling in arms and ammunition. My Lords, I am not astonished at the indignation the noble Earl expressed in his letter at such a practice;

and I give the noble Earl credit for not having had what I should have deemed the false delicacy, of not bringing forward the names of those men who have been concerned in this detestable traffic. They have carried out, indeed, the principle of "free trade," though to an extent which I am sure none of your Lordships can possibly defend. They acted quite up to the favourite axiom of free-traders, that "capital owns no allegiance." But, my Lords, I think I should not be doing my duty if I confined myself only to that part of the subject; for I have since heard that the trade in gunpowder and arms has been carried on with the Kafirs in the Cape colony for years; and I cannot but think that the enormous quantity of arms and gunpowder I can show your Lordships has been introduced into that colony for several years, has been one of the main causes, if not the main cause, of the war being protracted to such length, and of the comparative failure of Her Majesty's troops in that period. It appears that for the first time in November last, it came under the observation of the Governor that this traffic was extensively carried on, and he then, on November 17th, issued an ordinance—severe, but not too severe—for the purpose of putting a stop to it; and he then for the first time informed the noble Earl the Secretary for the Colonies that not only had the trade been carried on in the colony, but through Port Natal, and along the eastern side of the colony, and that he believed it was also carried on *viâ* Delagoa, a station belonging to the Portuguese. The letter from the Governor to the noble Earl appears to have crossed one from the noble Earl—a confidential letter, which had been written about the same time—for on the 14th January we find a despatch in which the noble Earl says—

"In my confidential despatch of the 14th November I informed you that I had learned from the Customs department that large shipments of gunpowder had been made from this country to the Cape of Good Hope, and I instructed you to adopt the most effectual means in your power to prevent this powder from finding its way into the hands of the Kafirs. It is with a degree of surprise, which I am altogether at a loss to describe, that I have now learned from Mr. Commissary-General Miller, who arrived in this country by the last steamer, that for some months previously to his departure from the Cape it had been matter of general notoriety and common conversation in the colony, that there had been shipped coastwise from Cape Town large quantities of gunpowder, which could be intended for no other purpose than that of carrying on a trade—if not directly, with the Kafirs, who are now in arms against Her Majesty's forces—at all events with persons who are in immediate communication with our enemies, and supply them with this most essential article for carrying on the war. Mr. Miller has mentioned to me, as one instance of the open manner in which this trade has been carried on, that to his own knowledge, Messrs. Walton and Bushell, in October or November last, shipped for the west coast of the colony 100 barrels of powder, taken from the store in the custody of the Ordnance officers."

I thank the noble Earl for giving the names of the guilty parties in this transaction, and they will now meet the infamy they deserve. The despatch proceeds:—

"This powder would, as he informs me, be landed either at St. Helen's Bay or at the mouth of the Orange River, from either of which points it could with the utmost facility be conveyed to the hostile Kafirs. Were it not impossible to doubt information resting upon such high authority as that of Mr. Miller, to whose merits you have frequently borne the strongest testimony, I should have been unable to believe that an extensive trade in gunpowder, for the supply of those who are engaged in deadly hostility with Her Majesty's forces and with the colony, could have been allowed for a long time after the breaking out of the war to be thus openly carried on from Cape Town, without any complaint being made to me on the subject. I have always supposed that almost the very first object which in every war must engage the attention of the person charged with conducting it, is that of cutting off, if possible, the enemy's supply of ammunition; and in the case of savages like the Kafirs, who are supposed to be unable to manufacture gunpowder, the importance of preventing them from obtaining it by traders were particularly obvious. I am the less able to understand why a trade in gunpowder was allowed to be carried on, because I am informed that from the nature of the coast there would have been no difficulty in preventing it; and even supposing that the existing law conferred upon you no legal power of interrupting the trade, and that it had been impossible to have supplied the deficiency, you would have been fully justified, or rather, you would only have done what was your obvious duty, had you exercised a power beyond the law for the purpose of effectually preventing gunpowder from being conveyed by any channel it was in your power to close to those by whom it has been used for the slaughter of Her Majesty's faithful subjects and troops. I trust that long before this despatch can reach you, all that is requisite will have been done on this important subject; but I must request you to explain why it was so long neglected, and why no information as to the trade that was going on was sent to me either by yourself or Mr. Montagu."

The noble Earl here expresses his astonishment that he should have been kept in ignorance of all this—that none of the servants of the Crown in the colony should have informed him of it. Well might the noble Earl, indeed, have been displeased with them if he had received no information on the subject. But is it not astonishing that in the eleven months during which the war had then continued, the noble Earl should have been uninformed of a matter on which its duration so essentially depended? Your Lordships, however, will be yet more surprised when I say that the noble Earl was one of the few public men who did not know that this traffic was going on. Your Lordships, I say, will be still more astonished when I tell you that as far back as June a Committee of the House of Commons sat on this very question of the Kafir war, and that every witness who was examined before this Committee bore testimony to the long-continued exercise of this disgraceful traffic, so dangerous to the safety of the colony—and that upon that Committee sat the colleague of the noble Earl, Mr. Labouchere, President of the Board of Trade; Mr. Fox Maule, now a Cabinet Minister, and then Secretary at War; and the noble Earl's *alter ego*, Mr. Hawes, Under Secretary for the Colonies. Is it more marvellous that Sir H. Smith and Mr. Montague should have omitted to inform the noble Earl of all this (one being at the frontier of Kafraria, and the other at Cape Town), than that the noble Earl should not have heard of it from his own colleagues, from his own Under Secretary, from the evidence before a Committee of the House of Commons? Although, however, the noble Earl may say that he personally did not know this traffic was going on, still his responsible officers knew, and their neglect must be visited upon him. One of the first witnesses examined before the Committee was asked questions upon this subject, Major Bissett, who had been all his life in the colony, and for fifteen years an officer in the service:—

"In what respect are the Kafirs more formidable now than they used to be?—You may say in numbers, but particularly in bravery and their possession of fire-arms. You say the Kafirs are now better supplied with arms and ammunition, and are much more formidable than they were in preceding wars?—Yes; very much so. Are you aware how those arms and ammunition have been supplied to them?—No. Are the traders forbidden to carry arms and powder for sale? — Yes. Are they supplied by the traders?—No; except in the case of smuggling. But gunpowder must be introduced in considerable quantities?—Yes, it is so; there is no end of it. Is there any possibility of the Kafirs manufacturing powder if we could stop its exportation to them?—None. Then we should put a stop to further war if we could put a stop to the introduction of powder?—Yes. Could we stop the introduction of powder into that country?—Not unless you extended the operation to Natal. Would not that be too great an extent of country to undertake operations over?—There would always be smuggling; there are so many little bays and means of landing anything on the coast of Kafirland. You spoke of many of the Kafirs having fire-arms: have you any idea of the proportion as far as you can judge from what you saw of them?—Probably one-fourth or one-fifth of the whole may possess fire-arms. Do you think if the war continues they will be able to keep up the supply of powder which is necessary?—No; I do not think they have any means of obtaining powder except what they capture, or the rebels take to them.—Are the arms which they have of English manufacture?—All of them, I think. English?—Yes, I think so."

M. de Stockenstroom gives similar evidence:—

"Are you aware whether the Kaffrs are better armed now than they were?—Yes. How did they obtain those arms?—From the Colony. The Custom House returns will show what import of ammunition and fire-arms there is. Is it forbidden?—The importation into the colony is legal; it is unlawful to send them into Kafirland. You think that the trade in arms and ammunition comes from our own colony?—The greatest part of it. Some may come from Natal, and some from the petty ports on the coast. The import of fire-arms and ammunition in the Cape Colony is fearful."

So Lieut. Colonel Smith bore the same testimony:—

"You say the Kafirs are becoming more and more formidable by reason of being better armed and disciplined?—Yes. Have they facilities for obtaining arms and ammunition?—Yes, very great. They are imported into the colony by merchants, and the traders continue to smuggle them along the frontier. Would there be any great difficulty in preventing that trade?—Possibly not; but more stringent regulations should be adopted. Do you think it would be expedient to check it?—I think very expedient. From Algoa Bay to Port Natal there is scarcely any creek or place where it is easy for a vessel to have communication with the shore?—There are places where vessels could have communication, but not many, and with considerable difficulty. That being the case, would there be likely to be much smuggling going on: could a vessel go and smuggle powder and arms without having any previous communication with the shore, and knowing to whom they were to sell?—I do not think that the arms that find their way into the colony are smuggled that way: they are imported by the merchants to a large extent."

And, in short, all the witnesses confirmed this evidence. Now, my Lords, one might imagine that if the noble Earl had been aware of this state of things having existed before the war, he would have attempted to put an end to it before the war broke forth—upon the plainest principles of self-preservation. It is proved, then, that his colleagues and the subordinates even of his own department, have been remiss in their duties in not informing him of facts which they themselves were not only cognisant of, but had themselves elicited upon this Committee. My Lords, I have thus, therefore, laid the grievance before you, and I now ask the noble Earl what remedy he proposes to apply? On a former occasion I understood the noble Earl to say that a steamer had been sent to blockade the coast, and prevent these supplies from being landed. [Earl GREY was understood to dissent.] If the noble Earl has not done so, I do not think it of much importance, for I think the sending of a single steamer would have been a very insufficient measure. The coast from Delagoa Bay to Algoa Bay is upwards of 600 miles in extent, and although there is a difference of opinion among the witnesses as to the number of places on which powder could be landed on that sea-board, it is impossible to believe that on a coast of such extent, there must not be several places fit for the purpose; so that a solitary steamer could not be sufficient to guard the entire coast. Indeed, the noble Earl himself, in his letter of January, states that there are two places—St. Helen's Bay, or the mouth of the Orange River—at either of which points the powder could be landed, and with the utmost facility be conveyed to the hostile Kafirs; and to protect these two places alone, of course two steamers would be required. It appears, however, from the returns, that there are but three steamers on the Cape station, of which the largest is engaged in taking out the new Governor; and it is proved by the very servants of the Government that the present system is insufficient to check the evil. I think, then, my Lords, under such circumstances, that I am not departing from my duty in suggesting to the noble Earl that we should, now when the slave trade has been in a great degree suppressed, send to the southern coast some of the steamers now uselessly stationed on the western, and protect our interests in that quarter from the danger to which they are at present exposed. The question which I now propose to ask the noble Earl is this—what means, naval or military, has he taken to prevent the increased exportation of gunpowder and arms from this country to the colony of the Cape of Good Hope, and the increased exportation of them from the frontiers of that colony to the nations beyond them, and what hopes he entertains that the reduction of the exportation will bear sensibly on the fate of the war?

EARL GREY said, if the noble Earl had had a little more acquaintance with the affairs of the Cape, he would have quite understood the apparent contradiction between his (Earl Grey's) despatch and the fact that the existence of the trade in gunpowder at the Cape was mentioned by various witnesses before the Committee of last year. That a trade in arms and gunpowder had been carried on between the colony and the native tribes, in ordinary times of peace, to a very great extent, and that in spite of a very stringent law a large amount of the gunpowder introduced into the Cape was contraband, had been notorious to every one for many years. It was not the fault of the law; because there existed a law of a very stringent character, requiring all gunpowder going into that country to pass through the hands of the Ordnance officers and other Government functionaries, and that the full sanction of the public authorities for its importation should be obtained. No gunpowder could be landed at the Cape without notice given to the colonial authorities; none could be removed without certain formalities, which interposed great difficulties in the way of its falling into the hands of other than proper persons. But it had for many years been notorious that, in spite of that law, this trade was very actively carried on; and he found that, in 1842, the question was submitted to the Executive Council of the Cape, whether more stringent measures ought not to be taken for the purpose of stopping the trade in powder for the supply of the natives to the north of the Orange River. The report made by the Committee of the Executive Council was to the following effect: "That no further measures were necessary with respect to the trade in gunpowder, because the restrictions already imposed appeared perfectly sufficient, if put in force, to prevent such illicit traffic; and the entire prohibition of the sale of gunpowder within the country would be injurious to the interests of the inhabitants, particularly on the frontier, who required it to defend themselves and their property from the attacks of marauding natives. The difficulties to be encountered in the attempt to put a stop to the illicit traffic were to be traced, not to the want of a law for the purpose, but to the physical difficulties of the country, and the scattered nature of the population on the frontier, and to the want of a sufficient body of troops or a well-organised police force along the northern boundary, comprehending an extent of country some hundred miles in length, and passable at so many different points." This report was sent home with the Minutes of the Executive Council; but nothing was done. The noble Earl opposite (the Earl of Derby) was then Secretary of State for the Colonies, and as he took no measures in consequence, it was fairly to be inferred that he acquiesced in the decision, and considered that it was impossible to take any further measures. He believed the noble Earl (the Earl of Malmesbury), if he would only consider the extent of the African coast to which these regulations applied, the defective means of communication through the Portuguese colonies, and the length of the frontier, would be obliged to acknowledge that it was utterly impossible to stop this smuggling trade. If he considered, further, that it was absolutely necessary that every farmer on the frontier should be supplied, as well as his servants, with powder and ammunition for his own defence and that of his household, and that, in fact, half the food of the frontier population was derived from the game they shot; and, again, that a profit so great was made by exchanging a pound of powder, which might be bought at Cape Town for 8*d.*, against an ox, which was worth 5*l.*; to suppose that any restriction applicable to a state of peace could prevent that trade from going on would appear absolutely futile. The law had now conferred additional powers on the Governor applicable to a state of war, by which he could at any time stop the issue of powder from any and every private gunpowder magazine within the colony, until further proclamation. This power was exercised by Sir George Napier, in 1838; and again, in 1842, he republished his first proclamation, and warned the inhabitants of the penalties to which they were liable for the infraction of it. If the noble Earl would look attentively at the evidence taken before the Committee of last year, he would see that it applied to the supply of the Kafirs in time of peace, although it was now to be feared that they were supplying themselves, then, for the warfare which they subsequently made, and were now making. Looking back to the former situation of things, he did not believe that any measure that could have been taken would have been effectual for the purpose of preventing this traffic from being carried on. But, undoubtedly, it appeared to him that, with so stringent a law on the Statute-book, when the war broke out, the first thing that should have occurred to the local authorities would have been to adopt every means in their power to put a stop to the trade. It was as natural to suppose that instructions to that effect would have been given to all the subordinate officers of the Government, as it was to suppose that in time of war every captain of a ship had power in his instructions to burn, sink, and destroy the vessels of the enemy. The evidence of Major Bisset quoted by the noble Earl, seemed to confirm this view of the case. He was asked, "Are the Kafirs replenishing their stores?" and stated, in answer, that he thought they had already supplied themselves by stealth, but that during the war care would be taken to cut off the supply. Major Bisset, having been desperately wounded soon after the commencement of hostilities, knew nothing of what had subsequently taken place. The Commissary General, Mr. Miller, after his arrival in this country, had told him (Earl Grey) that he did not believe a single pound of powder had gone to the Kafirs, except what had been landed openly and avowedly in our own ports, where it was the great article of supply. Some powder was derived, undoubtedly, from the Portuguese settlement at Delagoa Bay; but the trade by this roundabout route was not speedily carried on, and was of very trifling extent. The main supply to the Kafirs had, undoubtedly, come through Cape Town and the frontier. With respect to blockading the coast, he was informed that there was no coast in the world where it was so utterly impossible to carry on the smuggling trade. Mr. Miller told him that the best landing-place for troops and stores was East London, where arrangements were made by Sir Harry Smith, during the last Kafir war, for landing stores; but even at that point the difficulty was so great that a considerable number of persons had lost their lives, even with all the appliances which could be afforded by the British Navy for landing goods; it was necessary to stretch a line from the vessel to the shore, and by using peculiarly-shaped boats small quantities might be conveyed to land. Within our own dominions it was impossible that arms and ammunition could be landed without the knowledge of the Government authorities. Except at one or two of the small harbours, where no illegal trade was carried on, he believed it was impossible that gunpowder could be landed. On the west coast there are difficulties of a similar character; there being only one or two points where they could land, and it could only be done by small vessels, that are not fitted for the voyage from Europe, and which almost invariably take their cargoes from Cape Town. He believed that the Commodore, hearing that it was probable the attempt would be made to land certain quantities of powder at the mouth of the Orange River, had ordered certain vessels to be sent to watch that part of the coast. But it was the opinion of those who were best acquainted with the colony, that it was not through these attempts to land that the real danger arose, because it was impossible to smuggle there, but that the real difficulty was to prevent the powder which was necessary in the colony from finding its way from those persons who, seeing the immense profit to be obtained, would sell it to the Kafirs; and if their Lordships would look at the ordinance lately passed at the Cape, they would perceive that it was entirely directed to that end. It was not the evil of smuggling, properly so called—meaning by that the landing on the coast by stealth from vessels not duly entered at the Custom-house—that was the true source of mischief; but the real danger arose from powder being taken from the legal and authorised stores, and then sold to the Kafirs. The new ordinance increased the severity of the regulations to check that offence; and he hoped it would do it successfully. This was undoubtedly a very painful subject, and naturally excited much interest among their Lordships. With regard to the return which the noble Earl had moved for, of course there would be no objection in granting it. He would only suggest that its designation should be slightly changed, to prevent the delay that would otherwise ensue, and that instead of asking for the quantity of powder imported into the Cape since 1847—for that return could not be made without communication with the Cape—he should call for a return of the powder exported from this country to that colony, which would afford precisely the same information, and in a more speedy manner. It would afford the same information, because powder was practically only introduced to the Cape, from the United Kingdom and the British possessions.

Lord MONTEAGLE thought that little of the gunpowder used by the Kafirs was imported either from or through the Portuguese or any other foreign possessions in Africa, and therefore it was obvious that it was furnished to them by British merchants at Cape Town, who sent it with a knowledge that it would be used for the purpose of slaughtering their own fellow countrymen. The noble Earl (Earl Grey) was quite correct in saying that the colonists on the frontier must have arms and gunpowder to protect themselves with from the Kafirs and from wild beasts; but the frontier colonists were the last persons in the world who would part with their arms and ammunition to the Kafirs, who were their enemies. The powder and muskets obtained by the enemy did not proceed from the settlers on the frontier, but from the merchants at Cape Town itself. It was the capitalist at Cape Town who supplied the enemy with the means of destruction, by pursuing the trade which was described by the noble Earl as being so very profitable. No effectual step had been taken till the late ordinance to check this atrocious traffic. The very contrary was the case. The fact was, the Government had been struggling for years to reconcile two things which were totally incompatible, namely, an enormous extent of frontier, with a greatly reduced army; and this impracticable attempt was the root of all the difficulty. We had unwisely abandoned the system established, he believed by Sir Richard Bourke, of limiting our commercial intercourse with the Kaffirs within certain times and places fixed and limited by law. The moment we allowed individual traders to pass the frontier with their commodities, it became impossible to prevent the sale of arms and powder to the Kafirs. He wished to call their Lordships' attention for a few moments to the evidence contained in the papers which had been laid upon their table. At page 344, Major Sir James Anderson, speaking on the 3rd of July, 1851, said, he thought a change might be effected in the habits of the Kafirs—first, by establishing military posts, and then by inducing them to attend fairs, where they might exchange their cattle for British goods. At question 2,722, he gave his opinion that although there might be men of good character who supplied the goods to the Kafirs, yet they were obliged to employ persons of very inferior character to sell them, sometimes British deserters; and at question 2,725 he added that, by preventing the traders from going into the country, and by making the inhabitants resort to the fairs, the introduction of arms and ammunition might be considerably checked, but not altogether suppressed. He (Lord Monteagle) would next refer to the testimony given by General Sir George Napier on the 23rd of June, 1851, who, in answer to question 1,617, stated that the traders introduce gunpowder and arms, brandy, and everything that is bad among the Kafirs—that they smuggle very much—that things were better under the system established by Lord Charles Somerset (or rather by Sir Richard Bourke), when there were fairs held, at which the Kafirs met the traders, and bought what they wanted — that that system seemed to work well; but that now the traders take gunpowder and arms into Kafirland, which were supplied by the merchants at Cape Town and Graham's Town, who purchased large quantities of arms in England—that he (Sir George Napier) had tried to stop the gunpowder from going to the Kafirs, but found it impossible to do so. Again, at question 1,619, the same witness added, "Do not let the traders go into Kafirland, except as formerly. Put a stop to itinerant traders." Now, if all this evidence was entitled to any weight, and he thought it was entitled to the very greatest, it pointed out the course which the Government ought to pursue in accomplishing an object that he could not consider so entirely hopeless as the noble Earl the Secretary for the Colonies seemed to suppose. Experience proved that it was perfectly practicable. At the same time, he could not find language strong enough to express his abhorrence of the merchants, whether in England or at Cape Town, who made use of a time of calamity like the present to draw from an infamous commerce the profits that the noble Earl had described. Their conduct recalled to his mind the language of the Dutch merchants, who, when reproached by Louis XIV. for carrying on a somewhat similar traffic, frankly told that monarch that if they could make a good profit from a trade with the infernal regions, they would not hesitate to do so though at the risk of burning their sails.

The EARL of MALMESBURY replied. He referred to the evidence of an officer of engineers to show that powder could be landed on the coast, notwithstanding the opinion to the contrary of the noble Earl the Secretary for the Colonies. He agreed to the suggestion of the noble Earl for altering the terms of his Motion for the returns.

EARL GREY added, that the collector of Customs at Cape Town believed that nearly all the powder obtained by the Kafirs paid duty, and went through the Custom House at Cape Town. The noble Earl also expressed his belief that it would be impossible to prevent the landing of gunpowder in time of peace; and remarked that from certain quantities of saltpetre and sulphur that had been sent to the frontier settlers, he inferred that the manufacture of gunpowder was being introduced into the colony.

The EARL of ELLENBOROUGH thought the Colonial Office ought to be able to produce the returns now asked for by his noble Friend, according to the original terms of his Motion. It only required a little attention to system and method in taking the statistics of the imports at the Cape.

EARL GREY defended the alteration he had suggested in the wording of the Motion, as the more convenient and speedy mode of attaining the same end.

Motion, as amended, *agreed to.*

COUNTY COURTS FURTHER EXTENSION BILL.

Order of the Day for the Second Reading, read.

LORD BROUGHAM then moved the Second Reading of this Bill, and explained that it was the same as the one which was sent down by their Lordships to the other House of Parliament last Session, and returned from thence the last day of the Session, with one or two slight exceptions. Some alterations were made on the Bill in its progress through the other House, not in its substance and import, but in the mode of carrying its objects into effect; and considering most of these to be improvements, he had retained them. There was, however, one material alteration which the House of Commons had introduced, namely, the clause which had been inserted in the Bill as presented by him, and which their Lordships struck out last year, enabling barristers, whether instructed by attorneys or not, to appear on behalf of parties. Considerable difference of opinion existed in their Lordships' House with respect to that clause, and eventually it was struck out. He had restored the clause in the present Bill; the object of the clause was to repeal a provision in the County Courts Act of 1846, which prohibited the counsel who practised in those courts from taking briefs from the suitors themselves, and required that they should be instructed by an attorney. He would remind their Lordships that probably, in the County Courts, the same practice prevailed as in the Superior Courts, namely, that counsel were not in the habit of taking briefs from the clients themselves, but from attorneys. He, however, thought that it was desirable that an option should be given upon the matter, and therefore it was that he had reinserted this clause in the Bill. With respect to the Superior Courts, there was no inflexible statute law or common law which prohibited counsel from taking briefs from the clients themselves; but they had always been prevented from doing so by usage or custom, the etiquette of the Bar. In the Superior Courts, generally speaking, no counsel took a brief in a cause, unless he had been instructed by an attorney—a practice which in most cases he (Lord Brougham) approved of. He thought it expedient that both in the superior and inferior courts a line should be drawn between the two branches of the profession, and that, as a general rule, no barrister should appear on behalf of parties in either the courts at Westminster or in County Courts without being instructed by an attorney or solicitor. But he also thought that the same freedom upon that point which existed in the Superior Courts might be extended to the County Courts without any fear of its being abused. His objection to passing a law which would prevent counsel from taking a brief in a County Court directly from a client was, that circumstances might arise when the ordinary rule should be departed from. The professional etiquette was a flexible rule; it went to circumstances; it admitted of exceptions in cases of necessity. The statutes' prohibition was inflexible and allowed no exception, however urgent the necessity for the barrister's protection. The Bill which had passed their Lordships' House last Session upon this subject, and which had been sent down to the House of Commons, might appear, from the number of Amendments which that House had made, to have undergone considerable alteration. That, however, was not the case, for the other House had adhered to the substantial portions of the Bill, and only embodied its enactments in a different form. The noble Lord concluded by moving that the Bill be read a second time.

Lord CAMPBELL said, he always had been and still was a warm friend to the County Courts, and he was sure their establishment had most materially improved the administration of justice in this country. He rejoiced to see a Bill again brought in which improved the Acts that had been previously passed. [Lord Brougham: Improved and extended.] But he regretted that an alteration had been made in this Bill after it left their Lordships' House last Session—an alteration not only materially affecting the profession to which he belonged, but—what was infinitely more important still—affecting the due administration of justice. He believed we were greatly indebted in this country to the distinction which had been drawn from time immemorial between the functions of attorneys and the functions of barristers, and he thought that that distinction ought to be sacredly preserved. With one exception, this distinction had been instituted not by law but by usage; but when the County Courts were established, it was felt that an exception should be made with regard to those courts, and that it should be made by a positive enactment on the subject. With respect to the Courts at Westminster Hall and on circuit, there was a superintendence and a discipline abundantly sufficient to keep up all wise and salutary rules regarding the profession, without any legal enactment; but it was felt that in the County Courts such discipline and superintendence would not exist, and must be supplied by the Legislature. It was therefore provided by the 91st section of the County Courts Act, that no barrister should appear in any of those courts unless instructed by an attorney. That he believed was a judicious and salutary rule, and most earnestly would he advise their Lordships to continue it; because if that rule or custom were not maintained, the distinction between the two branches of the profession in the County Courts would be entirely obliterated; litigation would be stirred up and multiplied to an indefinite extent among the lower orders, by having every stage from the beginning to the end of the suit conducted by a spurious barrister; the profession would be degraded, and, what was still worse, the most serious evils would be entailed upon the public. Such a class degraded the order to which they belonged; and the serious objection he entertained to the 24th clause of the noble and learned Lord's Bill was, that it would have a tendency to increase the evil. He knew that there was an idea abroad in favour of what was called "free trade in law." Now, although there were many things to which the principle of free trade was well adapted, he could not think that the law was one of them. It was his opinion that it was highly desirable that this prohibition against counsel practising in the County Courts without being instructed by attorneys or solicitors, should continue. It was said, indeed, that it was at present competent for a barrister to decline practice which was not accompanied by instructions from an attorney; but if it were for the general good that such a usage should prevail, surely there could be no objection to its being enforced by legal enactment. The barrister, too, ought to be guarded against a practice which now prevailed, namely, that of attorneys acting in court, not on their account, but in the capacity of advocates, and instructed by other attorneys. He was ready to second any measure which should put an end to such a practice. If a suitor were contented with one law agent, he might choose an attorney to act for him; but if he thought proper to have two law agents, an advocate as well as an attorney, that advocate ought to be a barrister, both for the sake of the suitor himself, and also for the sake of the Bar. The question was one with which the interests of justice were very intimately connected, and he could not help regretting that his noble and learned Friend had not allowed himself to be guided by the strong opinion expressed in their Lordships' House last Session, that a clause of this kind was necessary. He (Lord Campbell) trusted that it would be introduced in Committee, and in that hope he would give his entire and cordial support to the Bill.

Lord CRANWORTH did not rise for the purpose of protracting the discussion on this subject. He only wished to say that he reserved for himself the full power of expressing in Committee, when the Bill should reach that stage, the opinion which he expressed last year upon the same point, and which, it would be remembered, was generally to the same effect as that which had just been given by his noble and learned Friend beside him (Lord Campbell), though he did not anticipate quite the extent of evil contemplated by his noble and learned Friend. His object in now rising was to make a remark upon the general frame of the Bill. Though, as their Lordships were aware, it was only one Bill, it had, in fact, two distinct objects—one half of the Bill related to the extension of jurisdiction of the County Courts over those subjects in which they had jurisdiction at present, and which he would call common law jurisdiction; the other half of the Bill conferred upon them powers for assisting the Court of Chancery in carrying into execution such decrees and orders as it might issue, and to a certain extent to enable them to discharge the functions of the Masters in Chancery. On the importance of both these objects he entirely concurred with his noble and learned Friend last year, and he concurred with him still; but he owned he entertained considerable doubt as to the policy of now proceeding with that part of the Bill which related to the Court of Chancery, when they knew—or, at least, had been informed upon authority which they could not doubt the accuracy of—that there was soon to be brought into the other House, and he hoped before the end of the Session would be brought before their Lordships, a Bill which would grapple with this and all the other difficulties of the Court of Chancery. In those circumstances he doubted the propriety of running the risk which would be occasioned by the passing of this Bill, of increasing the difficulties which existed in carrying into execution the recommendations of the Commissioners with respect to the very matter which formed the subject of one half of this Bill. He thought it would be more expedient to strike the part relating to the Court of Chancery out of the present Bill, and introduce it as a separate measure, which they could either pass or not, according as they might be satisfied or otherwise with the larger measure with reference to the Court of Chancery.

Lord BROUGHAM said, that the point urged by his noble and learned Friend had not escaped him. He was aware that when the measure to which his noble Friend alluded came before the other House, it might be found to contain some provisions respecting the taking of evidence, and the transactions of other business belonging to the Masters' Offices, on which he now proposed to give powers to the County Courts. But still he could not help thinking, from the best attention which he had bestowed upon the Report of the Commissioners, that it would be found not to dispense with the necessity of some such provision as should give the County Courts certain of the functions now performed by the Masters in Chancery. It would still be necessary to take evidence in the country, and have other matters there transacted, without bringing parties or their agents up to London. That, however, would be more easily considered at a future stage of the measure; but he entirely concurred with his noble and learned Friend in deprecating any proceeding which might have the effect of retarding or impeding reforms of a more extensive and important nature. With respect to what had fallen from the Lord Chief Justice, he (Lord Brougham) could not think that his noble and learned Friend had fully or sufficiently considered the subject on which he had spoken. He had argued that the difference between the County Courts and the Superior Courts was such as well to justify a particular enactment in the case of the former. Now, it was not merely the influence of the Bench, or of usage, and etiquette connected with that usage, in the Superior Courts, which served to prevent the confounding together of the two branches of the profession, because in the country Courts of Bankruptcy and in all other courts except the County Courts—in the more obscure as well as the higher courts, the barrister was left at perfect liberty, and there was nothing to prevent him from taking practice without the intervention of an attorney or solicitor. The etiquette which prevailed in the Superior Courts was not universally recognised, and there was no confusion, notwithstanding, between the two branches of the legal profession. And was it not right to throw around the barrister a protection by which he might be enabled to defend himself against combinations by solicitors and attorneys? That such combinations had at times existed, there could be no doubt whatever. In one instance, of which he (Lord Brougham) had some recollection, a member of his profession, in consequence of what he believed to be the faithful discharge of his duty in the other House of Parliament, incurred for a season the displeasure of the other branch of the profession, and a circular was issued to that part of the country in which the barrister practised, giving a plain intimation of the opinion of the principal attorneys and solicitors that he should be visited with the displeasure of the profession for what he had said in his place in Parliament. That displeasure was exercised not only affirmatively but negatively, by withholding all professional intercourse from the obnoxious party; but the barrister in question, knowing that it was usage alone which prevented him from throwing open his chambers, and taking practice without the intervention of attorneys, gave an intimation that he would resort to this course. By these means room was afforded for explanations, and the circular was ultimately withdrawn. Other combinations had also existed at times upon different and perhaps less important questions. What would their Lordships think of combinations among attorneys and solicitors not to give a brief to a barrister in any Court if he should presume to attend the County Courts, that branch of the profession being minded to have a monopoly of those courts? In such a case, if etiquette were the only prohibition, a barrister might protect himself against such a combination. He (Lord Brougham) threw out these remarks by way of illustration of the view which he had submitted to their Lordships, and he commended them to the candid consideration of his noble and learned Friend. Another subject had again been pressed on his attention. A proposal had been made now, as last Session, to vest in the County Courts a general equitable jurisdiction, and a petition had been presented to that House. praying that they might be given an equitable jurisdiction in the case of sums of money not exceeding 500*l.* He wished to take that opportunity of saying that he had given the suggestion his best and most attentive consideration, and he had arrived at the opinion that it was entirely impossible to fix any such rule. He should, however, continue to direct his attention to the subject, as he was aware of the interest which it excited in many parts of the country. He had presented a Bill to the House last Session which embraced this subject; and, as it appeared to him, without the manifold objections to which the plan of giving the equitable jurisdiction under a certain amount was plainly liable. Last Session the Bill had been much considered, but it had not passed their Lordships' House, although it had never been rejected by them.

Lord CAMPBELL, referring to the instance of combination mentioned by his noble and learned Friend, observed that there was little danger of the attempt of the solicitors and attorneys prevailing against an individual whose splendid talents and profound learning were such as to make him generally sought after by suitors. No one could be more proud of his profession than he (Lord Campbell) was; but there must be in every rank and profession some members not so remarkable as others for delicacy and propriety; and in the present case he feared that there might be a class of barristers, who never came to London, who were not in the slightest degree under the influence of the leaders of the profession, and who, unless they were restrained by positive enactment, would be liable to be tempted into improper proceedings. He had observed that his noble and learned Friend (Lord Brougham) was by no means confident in the correctness of the opinion which he had expressed upon this subject, and he implored him to be guided by the decision which their Lordships had already arrived at.

Bill read 2ª.

PATENT LAW AMENDMENT BILL.

LORD **BROUGHAM** *presented* a Bill for the further Amendment of the Law touching Letters Patent for Inventions. His Lordship, who spoke in a scarcely audible tone, was understood to say, that the measure was similar in principle to that which had been under the consideration of Parliament last Session, but that it did not embody the Amendments introduced into the Bill of last year by the House of Commons.

LORD **CAMPBELL**: I hope my noble and learned Friend retains the clause in the Bill of last year which gives the Courts of Law a power to grant an injunction in case of infringement of patent.

LORD **BROUGHAM**: Yes, certainly I do.

Bill read 1ª.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, February 13, 1852.

MINUTES.] PUBLIC BILL.—1° Railways (Ireland).

ECCLESIASTICAL APPOINTMENTS.

SIR **BENJAMIN HALL** wished to put a question to the noble Lord at the head of the Government with reference to an appointment which had lately taken place to a canonry in the Cathedral church of Durham. In 1836 Dr. Maltby was appointed Bishop of Durham, and he (Sir B. Hall) found from the Parliamentary papers that 8,000*l.* a year was assigned to the see of Durham, and that Dr. Maltby, being a Bishop upon a new foundation, was entitled to that sum. He found, however, from a paper presented last year, that Dr. Maltby had received 79,658*l.* more than that income. In 1843 there was a vacancy in the rectory of Eaglescliffe, and the Bishop appointed his son to that valuable preferment, which was worth 1,200*l.* a year. Three weeks ago a canonry, which he believed was known as a "golden canonry," became vacant in the Cathedral church of Durham, and the Bishop appointed this same son, the rector of Eaglescliffe, to that canonry. He (Sir B. Hall) wished to ask whether any remonstrances had been made by the Ecclesiastical Commissioners, or whether any correspondence had taken place between them and the Bishop with reference to this appointment; and, if so, whether the noble Lord would have any objection to the production of such correspondence?

LORD **JOHN RUSSELL** understood that a correspondence had taken place with regard, he believed, to the emoluments the canon was to receive, and there would be no objection to lay it on the table. His hon. Friend seemed to be under some misapprehension as to the value of the "golden canonry." The Ecclesiastical Commissioners had been taking measures to reduce all the canonries to 1,000*l.* a year; and by an Order in Council the value of the canonry to which the hon. Baronet alluded would be reduced to that amount.

BRITISH SUBJECTS IN AUSTRIA.

MR. **CHISHOLM ANSTEY** wished to ask the noble Lord at the head of the Government a question on the subject of the recent expulsion of certain Scottish clergymen from the Austrian territories, by order of Prince Schwarzenberg, and, as it was alleged, in contravention of the municipal laws of the Austrian empire, as well as of internal rights. He would not now recapitulate the facts to which his question referred; but he wished to draw the noble Lord's attention to its importance, relating, as it did, to the expulsion of certain Scottish clergymen from the Austrian territory, under circumstances of great cruelty and hardship. He wished to ask whether the statement of facts which he (Mr. Anstey) had made on a former occasion was correct, and also whether it was not true that under the laws of Hungary before the revolution, and under the Austrian constitution of 1848, ample liberty of conscience was secured to persons of the religious persuasion of these gentlemen? He wished to ask, also, whether, applying the precedent of Mr. Finlay's claim upon the Greek Government to the present case, the noble Lord was prepared to say that, supposing the expulsion to have taken place merely because of the religious profession of those parties, or merely because it was thought expedient to gratify the wishes of a portion of the Roman Catholic Church in Austria, this was not a case demanding the most exact attention and scrutiny at the hands of Her Majesty's Government, and the most ample reparation at the hands of the Austrian Government?

Lord JOHN RUSSELL replied, that there was so far truth in the statement of the hon. and learned Gentleman, that certain persons, ministers of the Scotch Free Church, who were residing in the Austrian territories, for the purpose of the conversion of the Jews to the Christian faith, had been expelled from those territories. Those persons stated that they had not attempted to make proselytes from the Roman Catholic to the Protestant faith, but that their sole endeavour was to promote Christianity among the Jewish population. They certainly seemed to have been persons who entirely separated themselves from any political associations or proceedings whatever. But when the hon. and learned Member asked him whether liberty of conscience was secured by the ancient laws of Hungary, and the constitution of 1848, he (Lord John Russell) could only state that it was well known that the ancient laws of Hungary were exceedingly favourable to religious freedom, and so, he believed, was the constitution of 1848; but these laws had at present no effect in Hungary, and the Austrian Government had thought proper to repeal the constitution. Her Majesty's Government had not at present information of the grounds upon which the steps that the question referred to had been taken; but upon representation made to Lord Granville, he had addressed a communication upon the subject to Her Majesty's Minister at Vienna. He (Lord John Russell) was not able to state whether the proceedings of the Austrian Government had been against the present municipal laws of the Austrian empire, or contrary to international rights; but undoubtedly, the case called for explanation, from the hardship of the sudden expulsion of innocent persons, and their considerable loss of property in consequence of that expulsion.

THE HOLMFIRTH CATASTROPHE.

Mr. SANDARS gave notice that on Monday he would ask the Secretary of State for the Home Department whether it was his intention to institute an inquiry into the frightful loss of life which had recently occurred at Holmfirth, and whether any funds would be made available on behalf of the sufferers?

Sir GEORGE GREY said, he was in a condition to answer the question at once. He had received from the magistrates an account of the appalling calamity to which the hon. Member referred, and they stated that an inquest had been begun on some of the bodies that had been found, and they requested the Government to send a competent engineer to attend the adjourned inquest, and to make previous inquiries as to the cause of the accident; they also stated something as to another reservoir, with respect to which they thought investigation desirable. A gentleman had accordingly been directed to go down and watch the proceedings, and render any assistance to the magistrates that he could. With regard to the last part of the question, he could not hold out hopes of any assistance from the public money; and he trusted that the case would be amply met by public subscriptions.

INTERNATIONAL COPYRIGHT.

Mr. LABOUCHERE moved for leave to bring in a Bill to carry into effect certain provisions contained in the Copyright Treaty with France, and said, that inasmuch as this Bill contained a principle of legislation novel to the House, it would perhaps be deemed proper that he should in a very few words explain what that principle, or extension of principle, was. The House were aware that by an Act passed in 1838 the subject of international copyright generally was raised. By that Act (1 & 2 *Vict.* c. 59) it was provided that the Crown might, by an Order in Council, give to books, prints, music, and similar articles from foreign countries the same privileges of copyright as were enjoyed in this country, provided those foreign countries conceded reciprocal privileges. By an Act passed in 1844, entitled the International Copyright Amendment Act (7 *Vict.* c. 12), these powers were extended to articles of sculpture, and other works of art. In these enactments original works only were included, translations being expressly excluded. In order to procure the benefits of these enactments, treaties had been entered into with Prussia, Saxony, and some other States on the Continent; and we were at this moment in communication with Bavaria on the same subject. Gentlemen who had paid attention to this subject were aware that for a long time negotiations had been going on between this country and France upon the question of international copyright, but that the various proposals of the two countries had not hitherto terminated in any satisfactory arrangement. The French Government, however, had recently sent over a gentleman to this country, specially commissioned to negociate with the Government on the terms on which the regulation could be relaxed; and the result of communications with that gentleman was the treaty between the two Governments, a copy of which had been laid on the table of the House. It was to enable the Government to carry out certain stipulations in that treaty that he now moved for leave to bring in the present Bill. By this treaty various extensions of powers were proposed to be made in the Act of 1844, but as they were of a trifling description, he would not dwell upon them at length, contenting himself with a reference to the more important principle contained in the Bill to which he had already adverted. He would at once proceed to state what that principle was. It had been strongly pressed upon the Government by France that we should extend the protection now confined to original works to translations of works; and after some discussion the British Government agreed to that proposal, with certain restrictions and modifications. It was now intended to give protection to the authorised translation of the original work, on certain terms. It seemed to him unjust and improper to place translations on the same, or anything like the same, footing as original publications, for he thought there was a plain distinction between them. It might, indeed, be contended that a translation, being the result of a new application of original labour, should be considered as an independent work, and under certain circumstances he thought that was so. Translations of works of imagination and poems, even of works of fiction (for instance, one of Sir Walter Scott's novels), must, it was clear, be very imperfect, if they had not in a great degree the merit of the original works. On the other hand, there was a class of works purely historical and scientific, as Humboldt's *Cosmos* (which had been translated by various persons in England), the translations of which were little more than mere reproductions of the original work, by a merely mechanical operation. Taking all these questions into consideration, it appeared to the Government that it would not be right to accede to the proposal of the French Government, or to grant a very extended protection to translations; but that it might be just, that it would be a great advantage to the author of the original work, and that the general advantages of the arrangement would more than counterbalance any inconveniences which might arise from it, if for a certain limited period protection were given to the authorised translation of an original work. It was agreed, therefore, that for a period of five years the author of an original work, published in either country, should be entitled to protection for the translation which he himself authorised, provided that at the time he published the original he announced on the title-page of such first publication his intention of protecting the translation, and that the latter was published within a certain limited period after the former. This was the principal provision of the Bill; which would, however, not only enable the Government to carry out the convention into which they had entered with France, but would enable them to make similar conventions with other Powers; for it was clear that the law on the subject should be of universal application; and that if we entered into a convention of this kind with France we should be prepared to make similar conventions with all other countries who were willing to enter into them. The measure would also extend the power of the Crown, and might lead to future negotiations with such other countries as should be desirous to make arrangements similar to those which had been entered into with France. The Bill, in fact, not only carried into effect the convention with France, but must also be regarded as a sort of complement to the measure of 1844.

Viscount MAHON said, that, so far from offering any opposition to the proposition of the right hon. Gentleman, he thought, on the contrary, that he was entitled to the thanks of the public for the care he had bestowed on the subject. He thought also that the thanks of the public, and more especially of men of letters, were due to the noble Lord the Member for Tiverton (Viscount Palmerston), under whose administration of the Foreign Office this treaty was entered into. He thought the right hon. Gentleman had taken a just view of the subject of translations; it was a subject of difficulty—for while, on the one hand, translations could not claim to be put on a footing with original works, on the other hand, he concurred with him that they were entitled to some degree of protection. There was an obvious advantage to the public in such a course. They had an example in the case of the work that had been cited by the right hon. Gentleman, Humboldt's *Cosmos;* it was a strictly scientific work, without any room for the play of fancy, or for any especial felicity of diction; but yet, even in a work of this kind there was a great difference in the degree of merit of the various translations of it, and the popular acceptance of such a work must depend upon the fidelity with which the translation of the work may have been executed. It was of advantage to the public that there should be one translation that should come forward under the auspices of the author of the original work, and that they should give to the author of the original work some interest in providing an authorised translation. On that ground he thought the right hon. Gentleman had taken a just view of the subject, or had fixed a proper period, for the present at least, when he named five years as the time of vested right in translations; and he trusted there would be no division of opinion as to the utility of passing this Bill. His learned Friend Mr. Justice Talfourd introduced the Bill on the subject, and when he ceased to be a Member of the House that Bill came into his (Viscount Mahon's) hands; but he (Viscount Mahon) and Mr. Justice Talfourd both felt they could not complete the subject in a satisfactory manner without the aid of a treaty respecting international copyright. He rejoiced to see that some progress had been made towards effecting that object; and he was anxious to elicit from the right hon. Gentleman in what condition they stood with respect to other countries besides those which he had mentioned. There were two countries of especial importance—Belgium, which, from its geographical position and manufactures, was able to compete in many respects with great advantage with England and France; and there was another country of still more importance—the United States of America. In consequence of the affinity of race and of language, there was no country with which it was more desirable that they should come to a good understanding with regard to copyright, or any other subject, than the United States of America. He had reason to believe, from communications from that country, that there was now (what there was not at a former period) a growing wish for the establishment of a system of copyright between the two countries; and he hoped that the negotiations on that subject would now have a happier issue than at a former period. He wished to know from the right hon. Gentleman if any negotiations were in progress between those countries to which he had referred, or whether he could hold out to them the expectation of establishing such negotiations on the passing of this Bill?

Mr. LABOUCHERE could only say, in answer to the question of the noble Lord, that at present he was not aware of any negotiations going on with any country but the one he had already adverted to; but it was the intention of Government, when this Bill should become law, to communicate the law as it should then stand to the various countries of the world, especially to the United States, and to urge upon them the subject, in order that a negotiation might be entered into that would lead to a satisfactory conclusion.

Leave given. Bill *ordered* to be brought in by Mr. Labouchere and Mr. Attorney General.

PARLIAMENTARY REPRESENTATION (SCOTLAND).

The LORD ADVOCATE moved for leave to bring in a Bill to extend the Right of Voting for Members of Parliament, and to amend the Laws relating to the Representation of the People in Scotland. The learned Lord said that the provisions of this Bill would be so nearly identical with those of the Bill moved the other night, by the noble Lord at the head of the Government for England, that he need not detain the House with many observations. There was a topic, however, to which he could not help adverting. It was the good fortune of his noble Friend who introduced the English Bill, not only to have introduced and witnessed throughout its whole career the results of the first measure of reform, but also to have been the instrument of introducing the second measure, which was intended to extend it. In regard to reform in Scotland, the case was different. Of his great countryman who introduced the former Bill (Lord Jeffrey), unfortunately we had nothing now left except the fruit of his public labours and the honoured memory of his name; and he (the Lord Advocate) could not more properly and more appropriately commence the honourable and gratifying task committed to him than by recalling to the recollection of the House the name of one who devoted, during so long a period of his life, his great ability to the cause of the liberties of his country—a man who had spread the fame of Scotland throughout every part of the world where the English language was understood, and whose name would be venerated and loved by every true son of Scotland as long as genius and eloquence, and learning, and patriotism, were honoured and appreciated. When Francis Jeffrey moved the first Reform Bill for Scotland, he had a task imposed upon him which, in some particulars, was even one of greater interest than that which had devolved upon his noble Friend in the introduction of the Bill for England. The electoral system of England, though overlaid by antiquated abuses, yet preserved in its form, and to a certain extent in its substance, something of popular representation. Scotland at that time had not even its shadow. The state of the representation in Scotland before the Reform Bill, would, when a few years had passed away, be entitled to a place among the fabulous parts of Scottish history. The county representation was vested in a small knot of landholders called the Court of Freeholders, not freeholders in the English acceptation of the word, but persons holding directly of the Crown property valued according to certain ancient valuations at a certain amount; and this body was only diversified by the introduction, when political animosity ran high, of certain very expensive but altogether fictitious tenures. As for the borough representation, it was still more unpopular, for the town-councils were the only constituencies, and they not only elected their representatives, but also elected themselves. The House might well conceive to what extent representatives so elected, and constituencies so constituted, were calculated to reflect the opinions of the people. That, notwithstanding such a system of representation, Scotland should have flourished as it did, did not prove that popular representation was of no value, but simply what the energy of a nation might do, notwithstanding the greatest political disadvantages. When Lord Jeffrey proposed the former Bill, it would not have been extraordinary if, in introducing popular representation into Scotland for the first time, the gratification of success had been to a certain extent blended with anxiety; if the Reform Bill was an experiment in England, it was so to a much greater extent in Scotland. But, if an experiment, it had proved completely a successful one. His countrymen had made good use of their privilege. There was no part of the United Kingdom in which the franchise had been more honestly or more independently exercised. He could only hope that if this measure should pass, the same use might be made of it, and that Scotland would maintain and increase her character for purity in elections. He hoped that all parties—candidate and voter, landlord and tenant, employer and employed—would make it their pride and duty to maintain the national character for self-respect and independence, without which popular institutions were at the best but a doubtful good. In regard to the results of the Reform Bill, that part of the subject was one too general for him then to enter on. But he must be allowed to say, when the Reform Bill was spoken of as a failure—however true that might be in a comparative sense, that, as a positive proposition, he could not help thinking the reverse was true. He knew at least that in Scotland it had been productive of great benefits. A great though peaceful revolution in politics and political sentiment had taken place within the last twenty-one years. Any man who saw what an increase of strength public opinion had received during that time, how much the country had found both a voice and a response within the walls of that House, what an increased sense of responsibility prevailed, and what an improvement had taken place in the tone of political morality, must be convinced that, whatever the Reform Bill might not have done, it was impossible to estimate too highly that which it had done. The Government were taunted with the fact, that there was no popular excitement on the subject of reform. They were told within that House and without, that apathy prevailed, that no crowds were gathering round the walls of Parliament to learn the probable fate of the measure. That was perfectly true; and the case being so, he said, if this were the first measure of the kind proposed in peaceful times, and discussed without excitement, it was one of the greatest distinctions such a measure could possess. But further, there could not be a more expressive, though silent, tribute to the merits of the former Bill. If the people were content to leave the matter for discussion with the House, if that cry of reform, which had been the battle cry from the Rockingham Ministry till the time of Lord Grey, was no longer heard as at former periods, the extinction of that cry was itself one of the greatest triumphs of the former Reform Bill. The reason why it had ceased was, that the system established by the Reform Bill had drawn together more closely the representatives and the people. The people had more confidence than formerly that they would obtain justice in that House, and they felt that it was not necessary to agitate for justice out of it. If there was at the time of the Reform Bill excitement among those who were anxious for progress, there were on the other side tremors among those who were afraid of it. Were there no anticipations of ruin to the constitution? In Scotland, at least, there were many expressed; and now, when a measure was proposed carrying much further the same popular principles, he asked why there were none of those tremors or fears? The moral he read from the position of matters was this, that the Reform Bill had created in the minds of the people a measure of confidence in the Legislature such as it never possessed before; and, on the other hand, those who were jealous of the effects of popular influence, and afraid of the popular voice, had learned at last the still more salutary lesson of confidence in their countrymen. With these few introductory remarks, he would proceed to explain, as shortly as he could, the specific provisions of the measure he had to propose. With respect to the enfranchising clauses, they were, as he had already remarked, almost exactly analogous—they corresponded almost exactly—with those of the English Bill; for instance, at present the right of voting for the county representation was vested, first, in proprietors of real estate and holders of long leases of 10*l.* annual value; and, in the second place, in those who held of a landlord paying 50*l.* of yearly rent. It was proposed by the present Bill to reduce the amount conferring the property and long leasehold qualification from 10*l.* to 5*l.*, and to reduce the 50*l.* qualification for those paying rent to 20*l.* Then with respect to burghs, the 10*l.* occupation franchise was to be reduced to 5*l.*; and the same provision was to be made with respect to the vote depending on direct taxation, as had been announced with reference to the English Bill. Beyond these points, he did not know that there was anything to explain relating to the franchise. But there were two other points to which he would direct the attention of the House, and which, as regarded Scotland, were of no inconsiderable importance. First, it was thought that in any revision of the electoral system there should be an endeavour to secure that the franchise should be real, honest, and substantial. He did not need to remind hon. Members acquainted with Scotland, that, owing, he supposed, principally to the smallness of the constituencies, there had been, for many years after the Reform Bill, a great manufacture of fictitious votes. He did not mean to take credit for the one side, or to throw blame on the other, with reference to the manufacture of these votes. Both parties, it must be said, had availed themselves very considerably of the facilities they had under the old Reform Bill for carrying on that manufacture; and at the present time he thought he might safely say that both were very considerably tired of it. In extending the franchise, however, the endeavour should be made to procure, if possible, the means of protecting it from invasion by fictitious qualifications. It was proposed, then, in the first place, to insist that parties claiming upon a property qualification should be infeft, which was a step necessary by the law of Scotland to complete a real title, a feudal title, without which the creditor of a party could not attach the property, and without which the party himself had only a personal right. In the second place, it was proposed that persons holding property in joint liferent, who were not placed in that position by succession or by marriage, should not be entitled to enrolment as voters. Hon. Gentlemen acquainted with the law of Scotland would well understand the intention of that provision. The conveyance of a liferent by one man to another during his life, was a kind of right hardly known in ordinary practice to the law. It was competent for a person to convey a liferent to another; but a liferent to two persons jointly, granted by a man possessor of an estate during his own life, was so rare in ordinary transactions, that, by excluding from the register a person who held in joint liferent, no one would be excluded who could be supposed to be one really possessing a genuine qualification. There had, however, been a practice of manufacturing votes by large clusters by means of liferents; 20, or 25, or 30 parties were joined together in one deed, thus creating 20, or 25, or 30 liferent votes; and the extent of these creations, and the facilities which existed for them, were notorious to every man who knew anything of legal proceedings in Scotland. It was therefore proposed that joint liferenters should not be entitled to be enrolled, when liferenters by constitution. Then it was proposed to define and explain the old law of Scotland with respect to nominal and fictitious qualifications; so that in those cases, where real and substantial rights were never intended to be conveyed, the claim to be placed on the register should be rejected. From the working of the system in Scotland, it had been found very doubtful whether the old law was applicable to the state of matters which had arisen under the Reform Act. So much for the second of those provisions which the Bill was intended to embrace, relating to the reality of the franchise. There was a third matter on which legislation would, he trusted, be productive of great improvement. Perhaps it might not be generally known that in Scotland the Registration Court consisted, first, of the sheriff, and, secondly, of the Appeal Court, which was constituted by the sheriffs of particular districts. One result had happened from this form of tribunal—that the sheriff of one district decided one way, and the sheriff of another district decided another way; and there was no supereminent tribunal whose decisions might give uniformity to the law relating to registration. It was almost unnecessary to remark that any enfranchising system which might be brought forward would be incomplete without an attempt to remedy that evil. Following the precedent set by a Bill introduced with respect to England in 1843, if he rightly recollected, by the right hon. Member for Ripon (Sir James Graham) [3 *Hansard*, lxvi. lxvii.], the Government proposed to institute a right of appeal, on points of law only, either from the sheriff or from the Court of Appeal to the Judges of the Court of Exchequer in Scotland. They proposed to make the appeal to that Court, because, from the small amount of business before it, and from the general nature of that business, there seemed to be every reason to believe that a short, summary, and inexpensive mode of bringing appeals to that tribunal might be established without interfering with the ordinary business of the Court. He made that observation, because otherwise it would not appear why that tribunal was selected as a court of ultimate appeal. The object was to afford a compendious and effective court of appeal on points of law, so that the working of the appeal would be, that when a party appealed from the sheriff to the Court of Exchequer at once, he was foreclosed from opening the question in other respects; and if he chose to appeal from the sheriff to the Court of Appeal, and took his chance there, he still had the right of appeal on the law of the case to the Court of Exchequer. With these short explanations, he begged to move for leave to bring in the Bill; and he would conclude by expressing the hope, that as the privileges of the constitution were extended to a lower class, so it would be deeper rooted in the affections of society, and tend more and more to the welfare of the country.

Mr. CUMMING BRUCE said, that, in the eloquent panegyric which the learned Lord had passed on his eloquent predecessor, whom all who knew must esteem and admire, as one distinguished by great ability and not less distinguished by every good and amiable quality of life, he cordially concurred; but with regard to the measure introduced by the noble Lord, he could not allow even the first stage to be taken in regard to it, without expressing his strong conviction that it was most ill-timed, uncalled for, and in a wrong direction. The provision which the learned Lord had shadowed forth as affecting the county constituencies of Scotland — with which he was more immediately concerned—would, he believed, furnish a class of persons much less qualified to exercise the franchise with advantage to the country than those who were now entitled to vote. He did not mean to say that tenants occupying farms between 20*l.* and 50*l.* were not a class of persons as upright, independent, and well qualified to possess the franchise as were those who held for terms of a greater extent; but he conceived that all unnecessary peddling with the basis upon which their representative constitution rested was most mischievous, and must be productive of evil consequences. No increase of the county franchise in Scotland was required. Though he did not object to the class which the Bill proposed to enfranchise, yet he thought it was altogether uncalled for and unrequired. With regard to the lowering of the qualification for burghs to *5l.*, he was not sure whether the noble Lord meant a *5l.* rating, as in the English Bill, or a *5l.* occupancy; but his own knowledge and experience, and all he had heard of the working of the Reform Bill, led him to believe it went a great deal too low. He could not say, from the attention he had been able to give to the statement of the learned Lord, whether he should feel it to be his bounden duty to oppose this Bill; but he thought that by its operation there would be an interference with the independent exercise of the franchise in the larger towns of Scotland. The learned Lord had greatly glorified the introducer of the former Reform Bill, in consequence of the good effects it had produced. He (Mr. C. Bruce) was one of those who sat in the House when the former measure was introduced, and he had felt it his duty to oppose almost every clause except the clause referring to the county voters; and he was free to confess that the evils he had expected from the Bill were not realised to the extent he had apprehended. When the learned Lord, and the noble Lord at the head of the Government, glorified themselves on the manifold good produced by the Reform Bill, he (Mr. C. Bruce) asked, if under that Bill they were yet able to answer the question put by an illustrious man, "How is the Queen's Government to be carried on?" How would they be able to answer it after the passing of the proposed measure? Let them consider what was the power of the Government and of the Legislature since the Reform Bill had passed. Let them consider their relative positions at that moment. Had they not seen Governments, and particularly during the official existence of the parties now in power, at a dead lock, and was it not often found impossible to carry on the business of the country? The move about to be taken would make it still more difficult to answer the question how the Queen's Government was to be carried on; and he could not consider it otherwise than ill-timed, mischievous, and uncalled for. The hon. Member for Inverness-shire (Mr. Baillie) had the other night let fall sentiments in which he could not concur. The hon. Member seemed to think that it was a good opportunity for giving a larger number of Members to Scotland; but he (Mr. C. Bruce) did not think that Scotland required more Members than she had—he did not think she would be a gainer by having ten seats transferred from English boroughs to Scotch burghs. He believed that in the English Parliament his country received a full measure of justice, and that English Members felt as anxious to promote the interests of Scotland, and attended as much to her prosperity, as the Members for that country themselves. The hon. Member had also said that the duration of Parliament should be shortened, and he (Mr. C. Bruce) also dissented from that opinion. The shortening of the duration of Parliament would increase the difficulty of finding persons willing to undertake the responsible duties of representing the interests of Scotland in Parliament. That country was now represented by men who had no motive for seeking a seat in that House but to do their duty to their country. If the duration of Parliaments were shortened to three from seven years, the difficulty of getting persons to perform those laborious duties would be greatly increased. The quality of the representation would undergo a change, and the "Mountain" section of that House would send the fag-end of their agitators to the hustings; the ballot would be introduced; and no doubt some of those candidates would be returned for the large towns; but he doubted whether the nation at large would be benefited. With respect to the provisions which had reference to fictitious voting, he begged to say that he most cordially thanked the learned Lord for having undertaken to deal with the subject, and would go with him heartily in any part of his Bill which tended to prevent anything of the kind.

Mr. HUME was not surprised at the observations of the hon. Member (Mr. C. Bruce). He was only consistent; for since he had been in Parliament, he had always been a strenuous opponent of reform and popular progress. He did expect that the hon. Member for Inverness-shire, by his enlightened speech, with which he (Mr. Hume) was delighted, would have benefited those around him more than it appeared he had. He was sorry for it; but he thanked the hon. Member for the very able manner in which he had stated what the Government ought to have done. He wished they had done so, for they would have avoided what the hon. Member well called this peddling reform. This was a peddling measure of reform, both for England and Scotland; and the noble Lord, who professed to be a bold reformer, when the advocates of reform had been for fifteen years pointing out the errors of the Reform Bill, used to reply there could not be a Reform Bill every year. Now, this peddling measure would indeed necessitate a Reform Bill every year. He was not surprised that the hon. Member for Elginshire should concur with the Duke of Wellington in asking "How the Queen's Government was to be carried on?" But he (Mr. Hume) was of opinion that if the noble Duke and every Member of every Government were swept away, the common sense of the people would soon show how the Queen's Government was to be carried on. He had such confidence in the people of Scotland and England as to believe that they would always select proper Members; and it was an insult to his countrymen to say that they would accept of the "fag-end" of any party. They were as good judges of proper representatives as the hon. Gentlemen or any of his friends, and it was not treating them well to make such an assertion. The hon. Member looked back with regret to the period of the Reform Bill, but yet he admitted that all the alarms he felt at the time were groundless. He held the same opinion as to the present measure; but he should not be alarmed now, and believe that those who were bringing in this "peddling" measure were doing no more to realise anticipation of disaster than they had done in introducing the original Reform Bill. As to the Bill now introduced, it was to him a matter of great satisfaction to hear the opinion of the learned Lord. He, unlike the learned Lord, could go back to the years 1817, 1818, and 1819, when, as a Reformer, he proposed a change in the Scotch borough system. At that time he was met by hon. Gentlemen connected with Scotland who were determined to stand by the representative system as it then existed. He was now, however, told that great advantage had arisen from the popular franchise in Scotland which had since been given, and that the people had made good and proper use of it. He was certain that that would be the case; and, therefore, was it that he desired to see that franchise further extended. He was opposed to an arbitrary line being drawn, by which one man should have the privilege of electing a Member of Parliament, and another man, equally valuable to society, should be deprived of that privilege, or rather of that right; for he differed from the noble Lord at the head of the Government, and would not call it a privilege. The noble Lord would soon be called upon to give chapter and verse for his authority in support of that strange doctrine which he had laid down—that every man in society had not a right to elect Members to represent his interest in Parliament. Men who associated together and formed a community resigned such of their natural rights as it was found convenient for them to do for the general benefit, while they retained all those which could be exercised by each individual without detriment to the general weal. The noble Lord, however, had broached a different doctrine, and in doing so was laying the ground for continual agitation on the subject. He (Mr. Hume) only wished he could live for twenty years longer, to trouble the noble Lord every year. He should certainly prove a thorn in the side of the noble Lord; for the doctrine he had promulgated was decidedly at variance with all sound policy and common sense. It was entirely at variance with that principle of justice on which he ought to place the population of the country in regard to the rights they were entitled to enjoy. He would ask the learned Lord (the Lord Advocate) why Scotland should not be placed on the some footing as England? Why not give a 40*s.* freehold franchise to Scotland? If the noble Lord (Lord John Russell) had wished to give satisfaction, and to save trouble, expense, and annoyance, he would have made one registration both for England and Scotland sufficient for all municipal and Parliamentary purposes. Why should not a man who voted for a municipal officer equally have a voice in the election of a Member of Parliament? A more trustworthy class than the municipal voters did not exist. He did not, however, disapprove of all the doings of the noble Lord. In bringing down the franchise to 5*l.*, the noble Lord had acted wisely, but he ought to have gone further. With regard to the counties of Scotland, it was impossible the present proposal could be considered satisfactory. Some of the counties had not more than 2,000 electors, and yet it was intended to continue a system which was discreditable to the Legislature, and an insult to the people. He hoped the House would not sanction such a stigma on the population of the counties, but extend to them the same franchise as was to be given to the towns. Without going further into the question now, he would observe that while he was willing to accept everything which tended to a step forward in the emancipation of his countrymen, and by which the basis of the constitution would be widened, while at the same time the Crown and the proper authorities of the country were maintained, he believed that in order to give the people an interest in good government, the more the suffrage was extended the better. He called this a peddling measure, and one which would cause a Reform Bill every year. The noble Lord would do well to consider the question of triennial Parliaments and the ballot, the absence of which he (Mr. Hume) thought the greatest defect of this measure.

Mr. FORBES MACKENZIE rose, not for the purpose of offering any remarks upon the details of the Bill; these he should reserve till it came to a second reading; but he wished to put a question to the learned Lord Advocate with regard to a circumstance which took place on the first Reform Bill. It was well known to all Scotchmen, that, in ascertaining the value of property in Scotland which gave the franchise, the fact of its being charged with debt was not taken into consideration. Thus, if a house of the yearly value of 10*l.* was saddled with an incumbrance of 200*l.*, it still conferred the franchise. What he desired to know then was, if it was intended by the present Bill to make the qualification a *bonâ fide* one, and in ascertaining its value make allowance for the amount of debt with which it might be charged?

The LORD ADVOCATE was understood to say that the law of Scotland did not at present require that the property should be free from debt, in order to give a right of voting. The present Bill would contain provisions on that subject intended to prevent that state of the law being abused, in the way of creating fictitious votes. The subject had been made a matter of consultation, the result of which was, that no alteration in the law should be made in any other respect. He should be ready at a future day to explain the reasons for that decision. Scotland having a very perfect system of registration of titles, stood in a different position from England with regard to the power of parties to make real property the subject of credit, and he thought it would considerably limit the right of voting, and throw obstacles in the way of ordinary and *bonâ fide* transactions, were they to alter the law.

Mr. JOHN STUART thought that if the Bill were accurately described by the hon. Member for Montrose (Mr. Hume), when he said that, instead of improving the representation either of counties or boroughs, it would only lead to continual agitations upon the subject, then it was deeply to be regretted that the fruits of the noble Lord's labours should be so unworthy the attention of the House. To him it was a matter of great surprise that upon the introduction of a question of this kind, and when the learned Lord Advocate referred to what took place on the Scotch Reform Bill of 1832, he did not also notice the fact that the sense of the House was on that occasion taken, after an extraordinary debate, upon the question of the county representation in Scotland. It was then proposed to the House that the county representation of Scotland should be revised, in regard to the number of Members who should appear in this House as the representatives of Scotch counties; and its attention was called to the circumstance that several of the great counties of Scotland—Perthshire, Aberdeenshire, Lanarkshire, and Inverness-shire—all of them having immense populations and a large amount of property, returning to this House but one Member each, whilst insignificant boroughs in England, with not one-tenth of their populations, or of their importance in point of property, returned two Members to Parliament? The proposition made by Sir George Murray upon this subject had the support of a considerable portion of the Members of this House, and it had the reluctant, the avowedly-reluctant, opposition of Lord Jeffrey; and his (Mr. Stuart's) hon. Friend (Mr. Bruce), who had declared his change of opinion upon other matters, seemed to have changed his opinion also on that; for if he (Mr. Stuart) was not mistaken, his hon. Friend voted at that time for Sir G. Murray's Amendment. Well, a proposition, reluctantly opposed by Lord Jeffrey, and founded upon justice and common sense, was at least entitled to consideration in bringing forward a measure of this kind. The circumstances and the situation of the constituencies of the larger Scotch counties were very extraordinary indeed; and he hoped that when the attention of Government should be applied to this point, they would give it their full and fair consideration, and introduce some proposal which would render it unnecessary for an independent Member of the House to raise a discussion upon the subject. Let them take the case of the county of Inverness, with a population of above 100,000, and they would find that little short of one-half of that county was in the Western Isles, totally dissociated from the other parts of the county, with interests altogether different from the interests of the great body of the inhabitants and proprietors in the same county on the eastern coast. He submitted it to the consideration of the Government, therefore, whether a more reasonable proposal could be made than that the county of Inverness should, in future, like some of the counties of England, be constituted of two divisions, each of which should return its own Member to this House? He mentioned this proposition with no hostile view, but with the view of making this Bill something which should really improve the representation of Scotland, and render it worthy of a measure proposed for the adoption of that House.

Mr. EWART said, that while he agreed with his hon. Friend the Member for Montrose upon the general principle of widening the basis of representation in Scotland, he differed from him with regard to making payment of rates the basis of representation in that country, as it was well known that in many parts of Scotland the people were not rated at all. He had not yet heard whether the 40*s.* freeholders in Scotland were to be put on the same footing as those in England. He hoped, on the second reading of the Bill, the House would have that matter cleared up to its satisfaction. He might say that he cordially approved of that part of the noble and learned Lord's Bill intended to put a stop to the practice of fictitious voting.

Mr. MACGREGOR said, he always held the principle that taxation and representation should go hand in hand. He considered that the Bill was exceedingly unsatisfactory with regard to Scotland, and that it was casting an extraordinary reflection on the property, industry, and intelligence of that part of the kingdom, that it should only be represented in that House by 53 Members. He agreed with all that had fallen from the hon. and learned Member for Newark (Mr. John Stuart), with respect to the large Scotch counties. He would take the case of Aberdeenshire, with its immense population and its extensive trade, and when he knew that it only sent one Member to Parliament, and that no addition was to be made in its representation by this Bill, he said such a state of things was exceedingly unjust with regard to Scotland, and to that populous and thriving district of it in particular. He should reserve his opinion upon the details of the Bill itself until it came before the House; but he did trust that, with reference to the large counties and cities in Scotland, some alteration would be made in it before it received the sanction of the House. When he looked to the city of Glasgow, containing, with its suburbs, half a million of inhabitants, and yet only sending two Members to Parliament, while miserable places like Harwich, and others, returned each two, he said this Bill would only be an instalment of the reform in the representation which the people of Scotland had a right to look to in future. He would accept the measures proposed by Government as an instalment of justice as regarded England and Ireland; but that portion of them which regarded Scotland he considered as utterly unjust.

Leave given.

Bill *ordered* to be brought in by the Lord Advocate, Lord John Russell, and Mr. Fox Maule.

PARLIAMENTARY REPRESENTATION (IRELAND).

Sir WILLIAM SOMERVILLE moved for leave to bring in a Bill to extend the Right of Voting for Members of Parliament, and to amend the Laws relating to the Representation of the People in Ireland, and said, that the question of the Irish franchise having been so recently under the consideration of the House, the Bill he now proposed to introduce would not deal so extensively with that subject as it would have done had not the subject been so recently before Parliament. The House would remember that in the year 1850 it was his duty, in consequence of the almost extinction of the county constituencies in Ireland, to submit for their acceptance a Bill for the amendment of the representation in that country. The House would also remember that at that period the measure to which he alluded underwent very great discussion, and he believed there was scarcely a Gentleman in the House who was not fully convinced that the time had arrived when the interference of the Legislature was absolutely necessary. At that time the county representation for Ireland gave about 27,000 electors; that was to say, there was that number of electors on the register, though the actual number was considerably below it. He had introduced a Bill in the year 1848 to place the county franchise on a new basis, namely, that of rating; but that Bill was subsequently withdrawn. In 1850 he introduced it again, and had the satisfaction, with the concurrence of the House, of finally passing it into a law. The effect of that enactment upon the representation of Ireland might now be fairly judged of from the returns which had been laid upon the table of the House, which afforded the means of comparing the number of county electors on the register before and after the passing of that Act. [*Parliamentary Papers, No.* , *Session* 1852.] Previous to the passing of that measure the number of county electors upon the register was 27,000, being, as he had already observed, a far greater number than the *bonâ fide* county electors really amounted to. The state of the county franchise there at the present moment was as follows: Instead of the 27,180 electors who were on the register before the Act of 1850, the effect of that measure had been to increase the number to 135,645. He believed, moreover, that the machinery of the Bill had worked satisfactorily; therefore the Bill which, with the permission of the House, he should now bring in, was not designed to interfere in any way whatever with the county franchise. But the state of things with regard to cities and boroughs in Ireland presented a widely-different aspect. Under the registration system, before the existing law was passed, the number of voters upon the register for counties of cities, and counties of towns and for boroughs in Ireland, was as follows—though, as was the case with the county constituencies, the number of *bonâ fide* electors was, in reality, much less. The numbers which appeared at that time on the register were—for counties of cities and counties of towns, 21,863, and for boroughs, 11,993. These numbers, he should repeat, were known to be far beyond the real *bonâ fide* number of voters at that period. Several severe and closely-contested elections showed that the actual number of voters was considerably less. But, taking those numbers as they stood on the register in 1850, what did the returns show to be the number on the register since the passing of the Bill of that year? It appeared that the number on the register in the year 1851 for counties of cities or towns was 20,255, and for boroughs was 8,046; thereby showing that the constituencies had not increased, but that there had been a considerable diminution of electors, as compared with the year 1850 under the old law. Now, it was undoubtedly intended that the Act of 1850 should extend the number of voters; but, instead of doing so, a decrease had been the result. The proposal contained in the Bill, which he hoped, with the permission of the House, to introduce this evening, would therefore be to reduce the borough franchise in Ireland from an 8*l.* rating to a 5*l.* rating. It would be further observed, upon reference to the returns on the table of the House, that the number of voters in many of the boroughs in Ireland was exceedingly small; and that the number in the counties of cities and counties of towns was in every instance above 500. Therefore it was not intended to take any measures whatever, further than the reduction of the voting qualification from an 8*l.* to a 5*l.* rating, so far as regards the counties of cities and the counties of towns; but as regarded the towns where the number of voters was in many instances exceedingly small, it was proposed to apply the same principle as the Bill brought in by his noble Friend (Lord John Russell) applied to England—a principle which was recommended when the Bill of 1832 was before the House—and associate with such boroughs certain towns in their neighbourhood, situate in the same or an adjoining county, which would have the effect of greatly increasing the number of voters. He proposed, therefore, in every instance where the number of electors now upon the register did not amount to 400, to associate with the parent borough one or more towns in its vicinity in the same or the neighbouring county, and so increase the number of voters. By reference to the returns before the House, it would be seen that this provision of the Bill would affect every borough in Ireland, with the exception only of Belfast and Newry. He would not at present enter further into the details of the Bill, and the provisions it contained for registration, polling, and the rest of the necessary machinery. The Bill would not be a very long one; and he trusted that the plan it was intended to carry out would prove satisfactory to the House.

Mr. WHITESIDE thought that a more

unnecessary Bill had never been introduced; but he did not wish to oppose the introduction of a measure the principle of which the House had affirmed in the case of England, and he was willing to look at it as a measure which the Government proposed for the solution of the problem how to remedy the evils of Ireland. It required the genius of a statesman to discover the necessity for altering, at the present moment, the franchise in Ireland. He must, however, congratulate the right hon. Baronet on being himself the individual to discern the necessity of reforming his own Reform Bill, which, be it remembered, was yet scarcely twelve months old. It escaped all common understanding why the Ministry should be so anxious to pass the present measure. Supposing that the Government had been compelled by some great outburst of public feeling to introduce this Bill, he had turned back to the Reports of the Committee on Public Petitions; and on looking to the petition that had been presented to the House, in favour of Parliamentary Reform in Ireland, he found that in 1850 there was one petition, signed by 49 persons, for, and one petition, signed by 39 persons, against, that measure—majority in favour of the Bill, 10. He found that in 1851, the return as to the petitions from Ireland respecting Parliamentary reform was "*nil.*" And, indeed, he firmly believed that it would be impossible to find, in Ireland, any body of individuals, in a respectable position of life, to set their hands and signatures to any petition praying the House to extend the franchise, in the present condition of that country, to 5*l.* householders. He did not believe that it would be possible to find such petitioners; because he knew it was a general conviction that such an extension would be a measure to transfer political power from those best fitted by their education and position to possess it, to those who were least qualified to enjoy it. The noble Lord (Lord J. Russell) grounded his proposal of Parliamentary reform in respect to England upon the great increase of late years of newspaper circulation and newspaper knowledge among the people. But the same reasons could not be adduced in regard to Ireland. The Government of the noble Lord had been very unceremonious in its treatment of newspaper editors in Ireland, inasmuch as the noble Lord had felt it his duty to transport a good many of them; and as to those who had escaped prosecutions, the noble Lord at the head of Government in Ireland had bitterly regretted their escape, alleging as a reason that the instructors of the public and of the popular mind in Ireland were in the habit of inculcating lessons which were opposed to all order, and to the peace and well-being of the country. The grounds of the Government measure failed, therefore, in reference to his (Mr. Whiteside's) unfortunate country. He would admit, however, most readily with the noble Lord, that there had been an increase of knowledge in Ireland; for it had been recently remarked by the police that the Ribbon notices were written in a much better style than was formerly the case—the handwriting was better, and the orthography more correct; and if the noble Lord would inquire, he would find that the reason of this was that some of the schoolmasters who were paid out of the national funds were the writing preceptors of these Ribbonmen. What was the case now? That very gentleman whose case had recently been before the world, and who was now lingering in torture and upon the point of death, had been shot because he had signed as a magistrate the commitment of a schoolmaster who had been dedetected in the act of writing a Ribbon notice. Well, that confederacy was in most active and formidable existence in several towns; and the first result of a measure of this description, decreasing the suffrage test, would be greatly to extend the power of that body. The description given by the right hon. Baronet of the Reform Bill of 1850—that Bill which they were now again to reform—was, that it ought to be received as a wise, just, and liberal measure. But the condemnation of this Bill was to be found in the reasons offered for the first Bill. The registration under the Reform Bill of 1850 had only just been completed; 110,000 persons had been added to the constituency, but they had never had an opportunity of exercising their new power, and they had never had a general election in Ireland since they had obtained those advantages, under a measure described as wise, liberal, and just. There had been no instances of corruption at isolated elections, because there had been no Coppock. The last Reform Bill had never yet been tried, and yet it was under such circumstances that the right hon. Baronet came forward to condemn his own Reform Bill, and to declare that it was necessary to the peace of Ireland that we should have another Reform Bill; and the probability was that they were to have a reformed Reform Bill every year they lived. Concurrently, however, with this vast increase of the Irish constituency, there had been a vast diminution of population. The reason alleged by the hon. Member for Athlone (Mr. Keogh), in 1850, as necessitating the Bill of that year, was, that the population was 8,105,000. But what was it now? Let the right hon. Baronet look to the emigration returns, and he would find that in 1851 alone the emigration from Ireland amounted to 279,000—the diminution of the population was immense. What possible necessity, then, could there be for a Bill like this? Who had called for it? Who had asked for it? Who had expected it? Why, not one man in Ireland. Therefore the Government was without any justification for this proposal, and in particular was without justification in contemplating a system of patching the representation by the association of the small boroughs with the small towns essentially of the counties—a system which had never existed in Ireland during the five centuries in which they had had Parliamentary representation. The Bill was entirely a mistake, and it was only to be described as a Bill for handing political power to those who were disqualified to exercise it. On one point in connexion with this measure he could congratulate the right hon. Baronet. It appeared to him (Mr. Whiteside) that the separation of the Irish and English Bill was judicious; for whatever might be the fate of the English Bill, he thought he might rely upon the good sense and discretion of Parliament to reject the Irish Bill. On another point he had to ask the right hon. Baronet a question; or he would put the question to his right hon. and learned Friend whom he saw opposite (Mr. Hatchell), and who had probably just returned from the Monaghan Commission. He had asked the right hon. Baronet the other evening whether it was the intention of the Government to introduce a Bill to reform the jurors' lists of Ireland? and the answer of the right hon. Baronet was, that no reply could be given until the return of the right hon. and learned Attorney General for Ireland. On seeing his right hon. and learned Friend, he (Mr. Whiteside) had repeated the inquiry, and he was then informed that it was his intention to bring in such a Bill. By the last Reform Bill—or, to speak more distinctly, by the last but two or three—it was intimated that there must be a concurrent alteration in the jurors' lists, and a Jurors' Bill followed the Reform Bill—the principle being that a 10*l.* voter ought to be also a juror; and the noble Lord, in introducing his Reform Bill for England, (Lord J. Russell) had said with truth the other evening, that it was a very reasonable thing that a man qualified to serve on a jury should not be disqualified to vote for a Member of Parliament. He (Mr. Whiteside) now wanted to know from his right hon. and learned Friend, or from the right hon. Baronet, whether the Government intended to look the country in the face and to propose that the precedent established in connexion with the first Reform Bill should be preserved in the Bill which had been promised, though probably hastily, by his hon. and learned Friend the Attorney General for Ireland. In certain districts in Ireland the effect of creating 5*l.* jurors would be just this, to transfer the Ribbonman from the dock to the jury box, and the execution of criminal justice in that country would no longer be difficult, but would become impossible. It was therefore of great importance that the House should know whether this phantom, this Reform Bill, was likewise to be accompanied by a new Jurors' Bill. If that indeed were to be announced by the Government of this country, nothing would remain for the weak and innocent in Ireland but to prepare for death, and for the strong men but to take up arms and prepare to defend themselves against a confederacy which it appeared was already so strong and united as to have defied at the Monaghan Commission all the abilities of his right hon. and learned Friend, backed by a corps of Queen's Counsel to procure even a single conviction.

Mr. HATCHELL said, the hon. and learned Gentleman's observations were made with a double view: first, to call the attention of the House to the necessity of amending the Reform Bill; and, next, to bring under discussion some intended Bill with respect to the formation of juries in Ireland. As to the latter, he thought it would be most unreasonable to expect him to enter upon the discussion of a measure which was not now before the House. As to the former point, the amendment of the Reform Bill, the hon. and learned Member seemed to intimate that the right hon. Baronet (Sir W. Somerville) had discovered some great neglect or inaccuracy in the former Bill, which made it necessary to come again to the House before that Act had obtained a trial; but he (Mr. Hatchell) could only account for his learned Friend's ignorance of the question on the ground that he was not a Member of the House when that measure was under discussion; because there was at that time a strong desire expressed by several hon. Members that there should be engrafted on the Bill some such provisions as the right hon. Baronet now asked them to adopt; and, under a promise that the state of the franchise of the small boroughs and the question of connecting them with adjacent towns would be considered at a future period, the Bill passed without the Amendments which had been proposed. It would, therefore, be seen that the hon. and learned Gentleman had been treating the House to some of that declamation to which the people of Ireland were so well accustomed, without paying any very particular attention to facts. The hon. and learned Gentleman had likewise introduced the subject of the recent outrages in Ireland, and appeared to attribute them to the increase of education amongst the people of that country. Because, said the hon. and learned Gentleman, you have educated the people, they are enabled to dictate and write better English in their threatening notices to landlords. Such are the hon. and learned Gentleman's sentiments touching the education of the Irish people; and the hon. and learned Gentleman went further, and made use of expressions with regard to a great national institution which he (Mr. Hatchell) thought ought not to have been used in that House. The hon. and learned Gentleman told them the magistrate on whom a murderous outrage had been committed was attacked as he was returning from having signed the committal of a master of a national school for writing a threatening notice. The fact followed the committal certainly; but it was well known that that worthy and exemplary magistrate had, from time to time, been warned of his danger long before, and that the assassins who fired at him had been lying in wait for some time before, and at a distance of some miles from the town in which he signed the committal, and therefore the attack on him arose, not from the fact stated, but from circumstances connected with the agrarian outrages of that district. He had called attention to this because the hon. and learned Gentleman had endeavoured to draw a false conclusion by begging premises which he was not justified in assuming.

Mr. GROGAN said, he had the advantage over his hon. and learned Friend (Mr. Whiteside) in possessing a seat in that House in 1850, and he could assure the right hon. and learned Gentleman opposite (Mr. Hatchell) that he remembered no such promise or understanding as that now mentioned in connection with the measure of that date. What he did remember was utterly inconsistent with any such understanding; for on a specific and positive Motion being made by his hon. colleague (Mr. Reynolds) to reduce the proposition of the Government from an 8*l.* to a 5*l.* rating clause, a division took place, and the whole weight of the Government was thrown into the scale against that Amendment. He would not oppose the introduction of this Bill; but he must protest at the outset against the wanton agitation into which the Government had plunged Ireland in introducing these different Reform Bills. But for the present Government, nothing whatever would have been heard of an Irish Reform Bill; and he could consider these successive measures as neither more nor less than traps to catch the wavering support of certain unattached parties, without whose occasional assistance Her Majesty's present Ministers would be utterly unable to keep their places.

Lord JOHN RUSSELL: Sir, I think that the hon. and learned Attorney General for Ireland was perfectly justified in what he said in reference to the observations of the hon. and learned Member for Enniskillen. The hon. and learned Attorney General did not allude to any statement which was made during the progress of the last Reform Bill for Ireland as to reducing the borough franchise from 8*l.* to 5*l.*, but what he did allude to was the very general wish which was expressed, on the part of Irish Members, that a plan should be considered, and should be introduced into that Bill, for embracing other towns and boroughs in Ireland than those which already possessed the franchise, and in which the body of electors was then too small, and would still continue to be too small under the measure then proposed to be passed. In answer to that call, I said I thought there were many objections to such a proposition, but at all events, it ought not to be adopted hastily; I did promise, however, that it should receive the future consideration of the Government. To these facts my hon. and learned Friend alluded, and he is perfectly right in his recollection that such was the view taken by the Government. Well now, Sir, when we had, in accordance with all that was said in 1848, and, indeed, from 1837 to the present time, introduced a Bill to amend the laws relating to the representation of England, we had to consider whether there was anything in the Act of 1850 which required further amendment. It will be recollected that at the time some Irish Members said that, instead of the franchise being extended, it would be considerably restricted in the boroughs of Ireland. It was stated that the 8*l.* franchise would diminish the number of electors. My right hon. Friend near me, the Chief Secretary for Ireland, had a contrary impression; but when we come to the facts, it appears that while by the former return there were in the boroughs of Ireland, exclusive of the counties of cities and towns, 11,993 electors, there are by the last returns only 8,046. There is, therefore, a reduction of upwards of 3,000 (nearly 4,000) in that small number; and when we come to the particular instances, we are still more startled by the results. We find that in some cases the numbers stand as follows:—in Armagh, 318; Athlone, 181; Bandon, 209; Carlow, 237; Cashel, 111; Clonmel, 379; Coleraine, 222; Downpatrick, 236; Dundalk, 267; Dungannon, 158; Dungarvon, 314; Ennis, 143; Enniskillen, 172; Kinsale, 139; Lisburn, 188; Mallow, 143; New Ross, 171; Portarlington, 71; Sligo, 336; Tralee, 228; Wexford, 348; and Youghal, 261. So that, whether we looked to the general numbers, or whether we looked to the numbers of each particular borough, we did consider it reasonable further to extend the franchise, and to endeavour to ensure a larger number of electors in these small boroughs. It does appear to me, that with such facts before us, there were good *primâ facie* grounds for introducing this further measure. Now, Sir, I will not say anything further on that point. I must say, however, that I think the occasion upon which the hon. and learned Gentleman opposite the Member for Enniskillen (Mr. Whiteside) has chosen to introduce a sneer at my hon. and learned Friend the Attorney General for Ireland, with the view of producing some laughter in the House, is hardly an occasion which is decent and proper. It is certainly true, that the law officers of the Crown went down to Monaghan to prosecute persons who were believed, in consequence of statements and of evidence laid before those learned Gentlemen, to have been guilty of secret atrocious murders. It has certainly also happened, that no person was convicted before that Commission. There has therefore been in that case, I apprehend, a failure of justice, and to my mind that is to be regarded as a most lamentable matter. It is one which ought to be a subject of deep concern to all Members of this House, if life and property are rendered less secure in these parts of Ireland; it is a subject which I am sure can afford no pleasure to any one; and I do not think it is an occasion for a lively sneer at the expense of a political opponent.

Mr. REYNOLDS remembered that when an Irish Reform Bill was last before the House, the debate had been conducted without any heat. It was also to be remarked that the discussion on the Scotch Reform Bill, introduced that night, had been in perfect good temper. He therefore regretted that, on this occasion, on the bringing forward of a new Irish Reform Bill, gall and bitterness should have been instilled into the debate by the hon. and learned Gentleman the Member for Enniskillen. It appeared to him (Mr. Reynolds) that the speech of the hon. and learned Gentleman that evening was most injudicious. The hon. and learned Gentleman might have taken a better opportunity of bearing his angry testimony against his own countrymen. It appeared to him, that on an occasion like this, the people of Ireland ought not to be described by an Irishman to the British senate as perjurers and assassins, and, as such, unworthy to be possessed of civil rights. [Mr. Whiteside: I most distinctly deny the fact.] He was happy that the hon. and learned Gentleman was ready to deny the fact. But what had the hon. and learned Gentleman said? He said, "If you confer a 5*l.* franchise, you will not be able to execute the laws, because you will have your juries composed of Ribondmen to try their confederates." It was impossible to give utterance to a more infamous libel on the Irish people. He (Mr. Reynolds) must remind the hon. and learned Gentleman that at the late special commission at Monaghan the juries were all Protestants. They were not at all composed of the peasant or of the farmer class; they were taken from the gentry of the country. And yet, in spite of this, and although the accused had to contend with all the talent of the law officers of the Crown, a Protestant jury of that country could not agree in convicting the very Ribbonmen to whom the hon. and learned Gentleman alluded. But what right had the hon. and learned Gentleman to mix this question with the question of the franchise? The hon. and learned Gentleman seemed to gloat on the expectation that this Bill, though passed by the House of Commons, would be strangled elsewhere. He (Mr. Reynolds) would take the hint; and he begged to ask the noble Lord why he had not incorporated this miserable Bill—for it was only a miserable instalment of justice—with the English Bill? He could understand why the Scotch Bill should be made a separate Bill, seeing that the law of Scotland differed so widely from the law of England. But the same remark did not apply to the law of Ireland; and it appeared to him that there was no reason whatever why there should not be an incorporation of the English and Irish Bills. He had some fears on this subject. He remembered how Ireland was treated when the Municipal Reform Bill was passed; and he was under an apprehension that there was some thought in some quarters of playing the same game over again now. Were the Irish Members to be called upon to vote for the English Bill, and then to be left in the lurch in respect to the Bill for their own country? The advice of the hon. and learned Gentleman (Mr. Whiteside) was to leave matters as they were. The hon. and learned Gentleman meant to say, "we are very well off in Enniskillen." But in glancing over the returns respecting the Parliamentary cities and boroughs in Ireland, he (Mr. Reynolds) saw reasons for thinking that no man, however in the abstract opposed to suffrage extension, would be disposed to leave the existing state of things in Ireland unaltered. He would call attention, in the first place, to the state of things in Enniskillen. That place, which had the honour (and he spoke without affectation when he said the honour) of sending the hon. and learned Gentleman to Parliament, possessed only 172 electors. The hon. and learned Gentleman did not even represent the 172; he represented only a majority of the 172; and that majority could not be very imposing. Why, if the hon. and learned Gentleman would consent to let those of the people of Enniskillen who were rated at *5l.* be included in the Parliamentary franchise, he would only be creating 87 electors more; and no one would pretend to say, that even this constituency would be sufficiently large. Was the hon. and learned Gentleman prepared to contend that the city of Cashel, with its population of 8,000, ought only to have 111 Parliamentary voters? Take the case of Portarlington. Portarlington had only 71 voters. The majority of 71 was 36; and was a Member returned by 36 men a representative of the people? The right hon. Baronet the Secretary for Ireland had given the total number of electors in Ireland as 28,282. But the total had to be still further modified. Out of the 28,000 they had to deduct 6,000 freemen, who voted in virtue of no property qualifications whatever. In the city of Dublin he found 3,783 freemen entitled to vote, but not compelled to show a property qualification, although, no doubt, many of them could show such a qualification, and, in fact, possessed a double qualification. Now, how was it that in the Bill the freemen were to be passed over? According to the noble Lord (Lord John Russell) the basis of all these Bills—English, Scotch, and Irish—was the principle that taxation shall accompany representation. If this was so, were the four thousand freemen in the city of Dublin to continue to possess the right of voting irrespective of a property test? The noble Lord was not proposing a real Reform Bill while he was leaving this blotch on the Parliamentary roll. For his (Mr. Reynolds's) own part he had no confidence in this Bill. But, because he said this, let not hon. Gentlemen run away with the supposition that he was going to join in a vote with a man who had described his countrymen as a nation of perjurers and assassins. He acknowledged the urgent necessity of a Reform Bill for Ireland. He looked to these returns, and he could not get over the facts. He would remind the House that there were 33 cities and boroughs in Ireland which returned Members; and of these 33 cities and boroughs, he found four cities and boroughs—Dublin, Limerick, Belfast, and Cork—with a population in round numbers of 500,000, returning eight Members. He took the remaining 29 boroughs, with an aggregate population of 300,000, and he found that these returned 31 Members. With such a state of things as this existing, the hon. and learned Member for Enniskillen could yet say that we required no reform at all.

He (Mr. Reynolds) could not coincide in opinion with the hon. Gentleman, and, though he did not pledge himself to the course he should take on this or any other Bill, he could not help expressing his belief that, at all events, imperfect and contracted as the measure of the Government was, it was a step in the right direction.

MR. CHISHOLM ANSTEY hoped that no attempt would be made to obstruct this Bill. The hon. Member for Dublin blamed the noble Lord for not having engrafted this Bill on the English Reform Bill, and said, that the law of the two countries was the same. But there was not a Gentleman in the House besides the hon. Member for Dublin who did not know that though the common law might be the same in the two countries, the statute law had disturbed this uniformity of the law. The mode of registration was different in Ireland, and there was a difference in a variety of other respects. It was, therefore, more convenient that there should be a separate Bill. After what had been said, he need say but little on the bad taste of the hon. and learned Gentleman opposite in turning the impunity from law in Ireland into a joke. It was a sneer unworthy of any one, and especially of the hon. and learned Gentleman. When the last Bill was before the House, he proposed that it should be made to meet the exigencies of the country, and that the suffrage should be household. But the House of Lords raised the franchise higher than what had been agreed to by that House, which was considered already too high. When it came back, the noble Lord at the head of the Government said the House of Lords had made a mistake, and that the form in which the Bill had passed this House was a compromise. The Irish Members, almost to a man, called upon the noble Lord to reject the Lords' Amendments. However, they were agreed to, and the Bill passed; but, if there was one thing better understood than another in the country, it was this—that no Irish Member who had voted for it in any stage, considered it as a settlement of the question, and that Her Majesty's Government were bound to consider how soon they could bring in another Bill. After this it was monstrous to hear, not the hon. Member for Enniskillen, because he was not in the House at the time, but the hon. Member for Dublin (Mr. Grogan) who was, say that that was a settlement of the question. There would be ample opportunities hereafter for considering the measure in detail, and of endeavouring to make it more effectual as a measure of reform. He should do his best to make suggestions of that kind, and to unite with those who agreed with him in the necessary measures for carrying those suggestions out. He considered the Bill a large concession, and one which would go far to carry out the promises of reform made to them by Her Majesty's Ministers in 1851.

MR. ROCHE was glad that he had given way to his hon. and learned Friend the Attorney General, because they had heard from his hon. and learned Friend a clear vindication of himself and his colleagues. The hon. and learned Member for Enniskillen (Mr. Whiteside) had said it would require the genius of a statesman to discover the necessity for this Reform Bill. Now, if that were the case, every man in Ireland was a statesman, for there was hardly a man in it who did not think that it ought to be enlarged. Nothing in his view could be more unjust than that Enniskillen, for example, with its 172 electors, should have half as much weight and voice in that house as the county of Cork, which had 13,000 electors. Such a state of things ought not to be continued. He was glad that a measure substantially identical with the English Reform Bill was to be proposed for Ireland. It was true that while the limit was taken of 500 electors in England, no alteration was to be made in the Irish boroughs having 400 electors. This, however, was merely a difference in figures, and practically it would be no difference at all, because there would be the same number grouped together as having under 400 electors as there would have been if 500 had been taken. He trusted the Bill for Ireland would be carried through by the Government *pari passu* with the English Reform Bill. Members opposite spoke in favour of the English Bill; but when the Irish Bill was brought in, he was sorry to see a different spirit come over them. He heard with great pleasure the speech of the hon. Member for Inverness-shire (Mr. Baillie). He was rejoiced to hear such a speech from that side of the House. He thought they were going to rival the noble Lord in their desire for reform, but he was sorry to see the change that had come over the party. From the speeches of the hon. and learned Member for Enniskillen and of the hon. Member for Dublin, he feared that for the sake of a party triumph they were about to strangle the Reform Bill for Ireland. He hoped the party opposite would hesitate before they made Ireland once again the battle-field of party. Heaven knew they had had enough of that. He applied that observation to all parties in that House. He believed that much of the sufferings of Ireland, and especially that of the landlords, might be traced to Ireland having been made the battle-field of party in that House, and he warned them not to repeat that game. He guarded himself against an unqualified approval of the Bill. They had not it yet before them in detail, nor had they the English Bill, and therefore it was impossible that he could commit himself on either the one or the other. It might be said there was something anomalous in bringing in a Reform Bill every year; and no doubt there was some truth in that. But the Bill of last Session was very unsatisfactory. The electoral machinery in Ireland was in such a state that it was impossible to work it much longer without some alteration and improvement. One of its defects was, that it was based on the rating to the Poor Law, which, in turn, was based upon a valuation in which there was no uniformity. In one union, a man paying 12*l.* a year rent had a vote, because he was rated at the rent he paid; while, in another union, a man paying a rent of 20*l.* had no vote because he was assessed at a 10*l.* rating. The Government ought, long ago, to have brought in a Bill to make the valuation uniform, and to take it out of the hands of the Poor Law Guardians. The present franchise was too high, and he begged to express the satisfaction with which he had listened to the statement of the right hon. Gentleman who had brought in the Bill.

Mr. NAPIER would not have interposed in the debate, only that some of the views put forward by his hon. Friends the Members for Enniskillen and Inverness, had been perverted or misunderstood. The hon. Member for Inverness had suggested that there should be a principle of consistency in this matter. If towns having small constituencies were locked together so that a certain number of electors should return a certain number of representatives, how were they to deal with such constituencies as the city of London, if it was to go through the country and give to every 400 electors the election of a representative; but it was not the suggestion of the hon. Member for Inverness to reduce the franchise to 5*l.* and then group them together. The noble Lord had commented on the observations of his hon. and learned Friend the Member for Enniskillen; but every one who knew his hon. and learned Friend knew perfectly well that he was wholly incapable of the construction put on his observations. If he (Mr. Napier) understood the argument of his hon. and learned Friend aright, he had only asked the Attorney General for Ireland whether he was prepared to follow out consistently his own principle—namely, to reduce the qualification of a juror to that of a 5*l.* elector, or to enable 5*l.* electors to sit on juries. He (Mr. Napier) cast no reflection on the conduct of the juries on the late trials in the north of Ireland, but nevertheless thought it a perfectly fair proposition to consider the question whether the man qualified to return Members to Parliament, who would have to deal with subjects involving the glory and greatness of the empire, should be disqualified for the jury-box, or *vice versâ?* The argument was a fair argument; and he (Mr. Napier) was satisfied, for one, that his hon. and learned Friend in using it did not in the slightest degree seek to cast any imputation on the administration of justice in Ireland. As regarded the Bill before the House, he (Mr. Napier) felt bound to say that he did not regard it with any very pleasant anticipations, with respect to its operation in Ireland. The noble Earl who governed that country said on a recent occasion that what Ireland wanted was peace and repose—that men might sit down and pursue their several occupations calmly. This Bill would have a contrary effect to that predicated by the Lord Lieutenant as necessary for Ireland; for if year after year this question was to be brought forward, the country could not have repose. He (Mr. Napier) considered, moreover, that as the qualification for boroughs had been fixed last year at its present figure, by the consent of all parties, there was no ground now to disturb it. In respect of the small constituencies, he did not think the Bill would improve the representation; at present these boroughs did not return the worst Members.

Mr. TORRENS M'CULLAGH said, the hon. and learned Gentleman who last addressed them, had told them that in 1851 no exception was taken to a 8*l.* borough franchise. He remembered a conversation that took place between the noble Lord at the head of the Government, and the humble individual who now addressed the House on that subject; and the hon. Member for Mayo (Mr. G. H. Moore) left the House rather than vote for the compromise that was come to. The truth was, that the majority of the Irish Members did distinctly protest against the 8*l.* franchise, and told the Government the mistake they were committing, and that they would have a miserably small borough constituency. The noble Lord, to his great credit, now attempted to repair that error; and now, when he was doing that, they were told by two hon. and learned Gentlemen—one of them was excusable, because he was not a Member of the House at the time; but the other was a Member then—that they (the Irish Members) submitted to that franchise. He found that on the 4th March, 1850—the question being that 5*l.* be substituted for 8*l.*—32 Irish Members voted in favour of that proposition, and 28 against it. They asked at that time, that the boroughs should be grouped as in Scotland, and that the franchise should be lowered to 5*l.* He was prepared to accept this Bill, and he believed it would be acceptable to the people of Ireland.

SIR JOHN YOUNG believed it would be found that great inconvenience and expense would be occasioned by adding small country places to the small boroughs, and he questioned whether as good a constituency could be got from these small boroughs as by disfranchising them, and transferring their representation to the counties and larger towns and cities. That would be a better and much more permanent arrangement than the one now proposed was likely to be. Some of these boroughs had increased in population concurrently with the decrease in the county population; not from any increase of industry or prosperity, but because the people who had lost their land had betaken themselves to the towns, where they swelled the population from which the future constituencies were to be drawn. He was afraid that the arrangement now proposed would not be satisfactory. He (Sir J. Young) had no fears for himself of a 5*l.* franchise, or even a lower franchise than 5*l.* He believed that permanency of residence was a more important element than the amount of the qualification. The measure proposed two or three years ago relative to the Irish counties was a very wise measure. Each party was inclined to be satisfied with it, and, seeing this, he was willing to leave the legislation for the boroughs in the noble Lord's hands. The difficulty was to make such an arrangement as the noble Lord proposed a permanent one.

Leave given.

Bill *ordered* to be brought in by Sir William Somerville, Lord John Russell, and Mr. Attorney General for Ireland.

HOUSE OF LORDS,

Monday, February 16, 1852.

MINUTES.] PUBLIC BILL.—3ª Secretary of Bankrupts Office Abolition.

AFFAIRS OF INDIA—EXPEDITION TO RANGOON.

The EARL of ELLENBOROUGH said, that since he gave notice of his intention to ask "Her Majesty's Government what measures they intended to pursue during this Session for the purpose of affording to Parliament the necessary information previous to the termination of the existing interest of the East India Company in the territory and revenues of India," he had found, from the Votes of the House of Commons, that notice had been given by Ministers of a Motion for a Select Committee on that subject on Friday next in that House. All, therefore, that he should ask of the noble Marquess now was on what day they would move for a similar Committee in the House of Lords? When he had the honour of moving for a similar Committee in the year 1830, he had prepared, after a labour of six months, a mass of information which was ready to be laid on the table of both Houses of Parliament at the time, in order that their Lordships in that House, and hon. Members in the other, might have before them in a compact shape all the information in possession of the Government relative to the financial condition of India, and relative to the working of the measure for the internal administration of that country for twenty years before. He wished to know whether Her Majesty's present Ministers had taken the same pains themselves, and whether they were ready to lay on the table the same information with regard to the action of the Government in India, and to the present condition of that country? He begged leave to express his earnest hope that that information, which he concluded would be laid before Parliament, would comprise all the papers necessary to throw light on his (the Earl of Ellenborough's) recall from the Government of India some years ago. Whatever might be the reasons which induced the late Sir Robert Peel and others to decline laying before Parliament the papers for which on his return he (the Earl of Ellenborough) most earnestly pressed, those reasons could not exist at present. Eight years had now elapsed since his recall, and those papers came now within the legitimate domain of history. The matters to which they referred had in no respect any character of secrecy. It was to be hoped that, after the lapse of so long a time, they could now be discussed calmly and dispassionately. He thought, however, that at all events it was essential, previous to the determination of Parliament as to the terms on which the future government of India was to be conducted, that there should be laid before it every document which could by any possibility throw light on the relations existing between the Governor General of India and the body from which alone, under the law, his orders and instructions as to measures could originate. He assured their Lordships that he desired the production of these documents not so much from personal motives and interests—being secure as to the judgment which posterity would form regarding the matters in controversy between himself and the Court of Directors—as from thinking that their production was essential to the establishment of the truth of history, more particularly as to two measures of great importance, he meant the combined movements of the two armies on Cabul and Ghuznee towards the end of the year 1842, and the policy and conduct of the campaign of Gwalior. There were also other important matters most materially essential to the future government of India touched upon in his letter of the 4th of July, 1844, and in the documents enclosed in that letter; and he must once more repeat his conviction that it was essential to the proper consideration of the great measure which must shortly be submited to Parliament, that all the documents should be produced which were calculated to throw light upon it.

As to the other question to which he had intended to draw their Lordships' attention that evening, namely, the grounds and objects of the expedition recently sent to Rangoon, it so happened, that in waiting for the return of the new President of the Board of Control (Mr. Fox Maule) to the House of Commons, their Lordships had been practically waiting for the arrival of the mail from India, and that mail seemed to have brought information of some importance. He confessed, however, that he himself did not take the same sanguine view of the character of that information which had generally been taken by others. He did not consider the matter as yet to be entirely settled. What he had heard amounted to this, that the King of Ava had been advised—and he thought wisely and properly advised—to adopt towards us a very diplomatic and a very civilised course of proceeding. He had answered the requisition for indemnity which had been sent him by the Governor General by expressing great regret that any misunderstanding should have taken place between his Government and ours; he had recalled or dismissed the Governor of Rangoon, and had sent to that place two persons who were to hear all the several complaints which had been made against the late Governor, and to give an indemnity to the sufferers, wherever an indemnity was justly required. From that mode of proceeding on the part of the King of Ava, it was inferred that the matter was perfectly settled. At the same time he saw that the advisers of the King of Ava had given an example not unworthy of consideration by other States which considered themselves wise, enlightened, and civilised. They had advised him, pending this discussion, and with a view to all possible contingencies, to put his people under arms; and thus it was said that not less than 100,000 men—probably, that was an exaggeration, and that there were not more than half that number—were now collected in the neighbourhood of Rangoon. The King of Ava could not have adopted a course of policy more advisable for himself, whatever course he might hereafter intend to pursue. But, in the meantime, what were we, on our part, about with regard to the possible contingency of hostilities? for when a requisition was sent to a half-civilised State like that of Ava, hostility, he supposed, was a possible contingency. Now, viewing the possible contingency of hostilities with Ava, he thought it would have been advisable to reinforce our posts on the frontiers of Tenasserim, Assam, Arracan, and Chittagong; for when once our requisition was sent to the King of Ava, it was not in our power to tell in what way or on what point the war might break out. If it did break out, it was quite as possible that the King of Ava would take the initiative, as that the initiative should be taken by the British Government in India; and on our long common frontier, especially in Tenasserim, and on the side of Assam, Arracan, and Chittagong, it was open to the Burmese to make, at any time or place, an irruption which would be excessively embarrassing to the Government of India. To any person acquainted with the history of the last war in Ava, it would appear that it was not safe for ships to remain near Rangoon without occupying the point of Kemendine above it, and that with a force of 2,000 or 3,000 men, for the fire-rafts would unquestionably be sent against them, unless that point was occupied. He thought that great risk would be incurred if such a precaution were neglected; and if war should break out without it, it might be an unfortunate affair for the Government of India. He also wished to know whether, before any requisition was sent to the King of Ava for reparation for the injuries inflicted on British subjects in Rangoon, any trustworthy officer of ours was sent there to ascertain the truth of our representations, and the extent of the injuries inflicted? He could recollect—it was not so distant an era—he could recollect the circumstances of a complaint which had been brought under the notice of the British Government by a certain Don Pacifico. Athens rejoiced in one Don Pacifico; but he could assure their Lordships that there were dozens of Don Pacificoes at Rangoon. If there were not the grossest ignorance of, or the strangest misrepresentations about Rangoon, on the part of those who have written about it, Rangoon was the sink of Asia—the Alsatia to which all men went who could not keep a footing elsewhere. Persons of European origin, who had discovered that Asia was too hot to hold them, lived in Ava, and generally went to Rangoon, and there, under the same, or perhaps some other name, endeavoured to gain a new reputation and a new fortune. He should not wish the Government to take any political measures with regard to Ava, without sending an officer there to inquire into circumstances. He regretted that this had not been done in the first instance; for it was reported that when the Commodore went to Rangoon with his fleet, he found circumstances very different from those which had been represented to him. The Don Pacificoes pushed off their boats, and went on board with representations of the damage which they said they had sustained. The amount of the damage so stated to have been sustained, appeared to Commodore Lambert so enormous, that he sent—very properly, as he (the Earl of Ellenborough) thought—to Calcutta for further instructions. Now, this was a state of things rather alarming. Taking into view what had been done by the King of Ava, they had a right to suppose that he would do justice, but that he would do nothing more than justice; that he would not pay any sum unless his commissioners awarded it. In regard to this point, then, he asked Her Majesty's Ministers, on what grounds an expedition was sent in the first instance against the King of Ava, and whether any attempt had been previously made to ascertain the truth of the representations on which it was sent? He also wished to know, if the noble Marquess could state it without injury to the public service, what was the object of the Government in sending out that expedition, and to what extent they intend to press on the King of Ava, compliance with the requisitions that had been made to him?

The Marquess of LANSDOWNE said, that he would first answer the first question of the noble Earl—a question which it was not surprising that the noble Earl should put, considering that the period was approaching when Parliament must consider the propriety of renewing the charter of the East India Company. Not only was it correct that a Committee was to be moved for in the House of Commons, on Friday next, for the investigation of this important question, but it was his intention in that House also to propose a Committee for a similar purpose. When he moved for that Committee, as he should do on an early day, he should be most happy if the noble Earl would give him his attention and the Committee his attendance. It was the wish of Her Majesty's Government to afford Parliament all the information which they deemed expedient to enable it to form a sound judgment on that important question, involving as it did the fate of so many millions of persons, and of so valuable a portion of the interests of England. If the papers which he should then produce did not meet the views of the noble Earl opposite, it would be in his power to propose, either in the House or in the Select Committee, the production of such additional information as would throw light on the subject to which he (the Earl of Ellenborough) had alluded. As to the peculiar papers connected with the noble Earl's recall from the Government of India—which took place at a period when he had not the honour of being in Her Majesty's councils—it was impossible for him to state on what grounds the late Sir Robert Peel acted when he declined to make a communication of them to Parliament. Whether it was expedient to renew the discussion upon those papers now, and whether they were necessary to enable the country to form a right judgment on the whole of this great question, would be a point for that Committee and for Parliament to determine. As he had only had an opportunity of seeing and perusing those papers within the last few hours, he would give no opinion on them at present. He would say no more on the appointment of the Select Committee; but the noble Lord had proceeded to advert to a notice which he had given a week ago, and which he had courteously postponed till the return of the President of the Board of Control to Parliament. The noble Earl had truly stated that it had accidentally happened—and he (the Marquess of Lansdowne) was not sorry for it—that, simultaneously with his return, despatches had been received from India giving satisfactory information that a settlement of the dispute with Ava had been obtained by the means which had been promptly, speedily, and efficaciously taken by the Government of India. It was not for him (the Marquess of Lansdowne) to state whether it was in the power of the King of Ava to give or to withhold the redress which he had promised. In the despatches he had seen, there was a *primâ facie* case which led him to think that there was insincerity in the proceedings of the King of Ava. The state of the misunderstanding between us was this—and in describing it he should best answer the peculiar question put to him by the noble Earl. In the month of June last, a distinguished officer, Colonel Ogle, being then employed as the superintendent of our nearest settlement to Rangoon, reported to the Governor General and Council of India, that a merchant of high character and responsibility had satisfied him that he had suffered a gross act of injustice from the authorities at Rangoon. Many of their Lordships might perhaps be aware of the class of persons who usually resorted to Rangoon. The merchant in question reported to the Colonel that in consequence of some accident which happened to his vessel, it was taken, through the ignorance of his pilot, into the port of Rangoon; that on his finding fault with this pilot, the man threw himself overboard, and that this circumstance had led to a charge against him of having endeavoured to murder the man. The object of this charge was to obtain from the merchant a compensation which he was not bound to pay. He refused compliance with the demand, and the consequence was that he and his crew underwent a vexatious prosecution. The Governor of Rangoon ordered a court of arbitration to be held on this demand. A court of arbitration was accordingly empannelled, and, after it had pronounced a sentence favourable to the merchant, its sentence was set aside by the Governor, who ordered him to pay a considerable sum for the benefit of the relations of the pilot, and a considerable sum also for the benefit of the Governor himself. Another merchant had also undergone a similar persecution in consequence of his having refused to pay the wages of a certain portion of his crew who had deserted from his vessel. He was also accused of having murdered one of his men, who died of sickness; but no proof of murder was produced against him. In short, the cases of complaint for injuries like these appeared to the gallant officer to be so enormous, that he submitted to the Governor General and Council in India the necessity of obtaining redress for them. It was on these grounds—it was on the responsibility of Colonel Ogle—that the Governor General, being then in communication with him, suggested it as his opinion that Commodore Lambert should be sent to Rangoon with a sufficient force to demand reparation and compensation for these specific injuries. When the Commodore arrived at Rangoon, he was assailed, as the noble Earl had stated, by a number of Don Pacificoes, but also by many persons who had been sufferers from these exactions. They came to him and stated their grievances, which the Commodore found to exceed greatly those for which he had been sent to demand redress. Under these circumstances the Commodore exercised, as he thought, a very wise discretion, for he abstained from proceeding further with the Governor of Rangoon, who had acted so unjustly and so extortionately, but insisted that that Governor should send to the King of Ava a letter stating the case against him, and demanding reparation. The event proved the propriety and justice of the Commodore's mode of proceeding; for that letter, addressed to the King of Ava was taken into consideration by him, and his Majesty felt that reparation was due to us, and immediately removed the Governor from his post. I have no reason to presume that the redress asked for will not fairly be given; the course taken by the King has been extremely just; and he has sent two persons to the spot in order to inquire into the various acts of injustice, and settle the amount of compensation to be paid in respect of them. I see no reason to think that the settlement of these claims will not be effected in a *bonâ fide* manner; and I must express my opinion that the proceedicgs on the part of the King of Ava and the Governor General were such as the nature of the case required, whilst the officers employed in the transaction undoubtedly did their duty.

THE "MEGÆRA" STEAM FRIGATE.

The DUKE of MONTROSE rose to put a question to Her Majesty's Government with respect to the state in which it was alleged the *Megœra* steam frigate was sent to sea, having on board one of the regiments destined for the Cape of Good Hope. A letter had appeared in the *Times* of January 8, from a clergyman (a gentleman of high respectability, and he believed a near relative of the commanding officer of the regiment), which would state to their Lordships more forcibly than he could do the discomfort to which the troops were subjected in consequence of the amount of stores with which the vessel was loaded :—

"On the 2nd of January the Rifle Brigade, numerically 700 strong, embarked on board Her Majesty's steamship the *Megœra*, for the Cape. As night drew on the frigate bore up for the Downs, where she lay until the morning of Saturday, the 3rd, at daybreak, and proceeded down Channel with a living mass of 900 human beings on her decks. You will now ask, was not every provision made to meet the emergency and afford accommodation on board? You shall hear. The storeroom and stowage were filled with ordnance stores, and thus no place remained for the arrangement and proper disposition of the vast amount of sea-stock, baggage, and 'belongings' of this large body of men. Government, at the sacrifice of the men's and officers' just claim to regard and consideration, had made the ship to answer a purpose for which it was never intended —the transport of stores and the conveyance of the troops, the latter being evidently put aside to make room for the other. Well, the night of Saturday came on, and with it a gale of wind, and you may easily imagine the condition of a number of raw soldiers, without proper conveniences or even necessaries, the stores and baggage lying wherever they could find a space unoccupied. the passage from one part to another of the ship being everywhere impeded, and in most places obstructed."

The statements contained in that letter were borne out by private letters from various officers in the regiment. It might be said, that in the case of a regiment which had the misfortune to meet with bad weather within forty-eight hours after its embarkation, it was impossible to avoid inconvenience, and some confusion and discomfort; and that what had occurred in this case was nothing more than might be expected with an ordinary sea breeze, and would not have been felt by those who were accustomed to the inconvenience of a sea voyage. He must, however, doubt the correctness of that statement. These officers were not mere landsmen; their regiment had only lately returned from the Cape, and were therefore accustomed to a sea voyage. The regiment had been selected for this duty in consequence of the services it had performed, the high state of its discipline, and its peculiar fitness for the service to which it was destined, and he thought therefore that every statement made by the officers must be received with greater weight than if they had belonged to almost any other regiment. They stated that the amount of Ordnance stores on board was very great, and that they were stowed in such a way that there was no room to stow the baggage belonging to the troops. Now, whether this was caused by the amount of the stores, or arose from the neglect on the part of the officers charged with the stowage, he could not say, but blame must attach to some one. He had heard it stated that the Admiralty assert that there was no undue amount of such stores on board—indeed, he had heard it asserted that there were none. But whether the stores on board were Ordnance stores, or were tents intended to be used by these very troops at the Cape, still, if the vessel were crowded with them to such an amount that there was no means of stowing away the baggage of the troops, he must contend that it was very improper that this should be the case. He knew that in this case the sea stock and the stores of officers were placed in hampers on the deck in a manner which was disgraceful in a ship belonging to Her Majesty's service. There was another statement made, showing also a very great neglect on the part of those who fitted out the vessel. The statement which he alluded to was, that there were no lockers for the purpose of putting away the baggage belonging to the troops. Now this might appear a trifling neglect; but upon these small circumstances depended the comfort of a large body of men going upon a long voyage. Then, again, there was another flagrant piece of neglect. It was said, that the racks on which the arms were piled had been arranged for the purpose of carrying muskets and not rifles, and consequently, when the troops got on board, there were no means of properly stowing away their arms. It was first stated that those racks were put up for muskets, and that no alterations had been made in them; but he (the Duke of Montrose) had been led to believe, from inquiries he had made, that an alteration was made; that the officers connected with the ship, having learned that there were riflemen going on board, made an alteration of the racks; but that in consequence of there being no pattern rifle sent, the racks were as perfectly useless after alteration as they were before. The letter he had quoted closed with a paragraph to the effect, that on the morning of the 5th January the vessel put into Plymouth much disabled, and with a large depth of water in her. This was also the report stated currently, and by another version of it the ship was said to have been so shaken on the passage from Dover to Plymouth that all her seams had opened, and it was impossible for her to go to sea. That he believed was an exaggeration; but as to the fact of her having shipped an unusual amount of water, there could be no doubt. The cabins of the officers were entirely filled; and though such a thing might arise from accidental reasons, he believed the fact was that there was some defect in her with respect to the fitting of the port-holes, or some of the upper works of the vessel, so as to allow the water to pour into her in a very unusual manner. All these matters caused great uneasiness to the friends of those on board, and they must have been greatly relieved by the accounts in the papers of the vessel having arrived at Madeira. By a letter from one of her officers after her arrival at Madeira, he learned that this very defect of shipping water had existed all through the voyage; that they had been subjected to a great degree of discomfort in consequence of the cabins during the whole time of the voyage being filled with water, and also from the crowding of the vessel. Such discomforts were almost always certain to occur in transports hired by Government; but he did think that, when Government were altering the hired transport system, and sending out troops in vessels belonging to Her Majesty for the purpose of ensuring the comfort of the troops placed on board, it was much to be regretted that defects of this description were found to exist. If any explanation could be given of all these circumstances of which he had stated the purport, he should heartily rejoice; the question he wished to ask was, what amount of Ordnance stores were on board —whether they was any extreme quantity, or any neglect on the part of the officers entrusted with the storing of them, which caused all the inconvenience to which he had alluded? As to the state of the vessel, he asked no questions with respect to her being seaworthy; but if the noble Lord could say that she had been unusually subject to the water coming in, he should be glad to know that it arose from no neglect on the part of any of the functionaries entrusted with preparing the ship for sea, or of the officers whose duty it was to take her safely to her destination.

The EARL of MINTO, who was nearly inaudible said, he was sure the right hon. Gentleman the First Lord of the Admiralty would feel extremely indebted to the noble Duke for having afforded him an opportunity of making some explanation. He was instructed to say that the *Megœra* had been selected for this particular service on which she was employed—namely, the conveyance of troops to the Cape—because in that vessel an amount of accommodation not to be found in most other troopships had been provided. Every possible attention had been bestowed on her equipment, and she was fitted out in such a manner as to provide every comfort for the accommodation of the persons taken out in her. She was a ship of 1,400 tons —a very large screw steamer. Amongst other arrangements for the convenience of the troops he might mention that separate accommodation was provided in the poop and forecastle for her officers and crew, so that the sailors might be entirely separated from the military, who had possession of all the decks below. The vessel carried a distilling apparatus, which was capable of supplying 300 gallons of water every day; she was furnished with the best articles of every description; glass, crockery, plate, linen, and so forth, were provided for the officers' mess at the public cost, and a steward appointed to assist in preparing their table. He now came briefly to notice the points to which the noble Duke had adverted. And, first, that the ship was overcrowded. When it was proposed to take this ship for the purpose, the number to be embarked was not quite accurately known. The number stated by the Horse Guards was 677 officers and men, with the usual proportion of women and children. The Admiral at Sheerness was directed to state what number she could conveniently accommodate; and the answer was 702. At the same time a requisition was made to the Admiralty for the conveyance of further detachments of troops, and the *Birkenhead* was appointed to carry them. The Admiralty suggested that 100 of the Rifles might be transferred to the *Birkenhead*, which was declined, the commanding officer of the Rifles preferring that they should all remain together in the *Megœra*, which afforded due accommodation to the entire number. With respect to the Ordnance stores which were supposed to have encumbered the vessel so much, it was quite true that a requisition had been made to the Admiralty for the embarkation of certain tents and rifle ammunition, which no doubt were embarked; nor could it be supposed the troops were to be sent on service unprovided with what was necessary to enable them to take the field. With regard to the discomfort and inconvenience justly complained of on the passage to Plymouth, this was solely attributable to the misconduct of the master who had charge of the vessel, and who for certain reasons of his own was determined to touch at that port; which, though unknown to the Admiralty, was so well known in some quarters, that letters were waiting for the ship at Plymouth, where the Admiralty had no notion she would go. The troops were embarked on the 2nd January, the vessel having arrived at Dover on the 1st. On the 2nd, after the embarkation, she immediately sailed for the Downs. It was quite true, as the noble Duke had stated, that some inconvenience arose from the circumstance of the arm-racks being fitted for muskets, and not for rifles; which, however, might have been rectified by the artificer on board. The steamer sailed in very bad weather; she left the Downs on the morning of the 3rd, and arrived at Plymouth, after a severe passage, in which she was forced against a heavy head sea in a westerly gale. In the state in which they had sailed, all on board must necessarily and inevitably, under such circumstances, have been exposed to much suffering and discomfort, which the master might have spared them by taking shelter under Dungeness or St. Helens. On her passage to Plymouth the steamer consumed near 100 tons of coals, which certainly made it then necessary to put in there to replenish her stock of fuel. But the ship had behaved exceedingly well in very trying weather, and the circumstance of her reaching Plymouth in so good a state as to require little from the dockyard entirely disproved the supposition that she was unseaworthy.

Lord COLCHESTER said, he had taken some pains to inquire into this subject, and certainly had learned in well-informed quarters that the *Megœra* was well adapted for the purpose of a troop ship. It was true, as the noble Lord had stated, that no ship could sail in bad weather, especially with soldiers unaccustomed to the sea, without some discomfort being caused; but, then, this might have been foreseen, and he had never heard it explained why Dover should have been chosen for the place of embarkation; he supposed it was for the purpose of saving the Government a trifling expense in moving the regiment by rail to a harbour where it could have been embarked in smooth water. The noble Earl had not answered two points. First, as to the amount of baggage and ordnance stores which had been conveyed. This was material; for, although the Admiralty might have been right in their estimate as to the number of men the vessel would carry when nothing else was on board, it made all the difference if a large quantity of Ordnance stores were on board, taking up the space required for the accommodation of the troops. Again, as to the want of due accommodation. Some years ago he (Lord Colchester) was a lieutenant on board a frigate, in which a battalion of these very troops, the Rifles, had embarked for Scotland; and he well remembered that the only thing the troops seemed to care about when they got on board was their rifles. So soon as they had placed their weapons in a proper manner they appeared quite satisfied, and comparatively careless about their own personal accommodation; and he had no doubt that in the present instance the discontent of the troops on account of their own personal discomfort had been very much increased by the inconvenience they had found in respect to their rifles. It was true that the racks had been altered; but as the Admiralty had forgotten to send a pattern of the rifle, though altered they were not amended. The answer of the noble Earl had not been so satisfactory as he could have desired. He (Lord Colchester) would call their attention to another point—as to the class of officers to whom the command of vessels employed as troop ships was now committed. Formerly those vessels were given to officers who held the rank of Commander in the Navy—equal in rank with the field officers of a regiment. This secured him that proper degree of authority and respect which it was necessary he should have in such cases, and which he could not have when he was only a master, inferior in rank to the commanding officers of the regiment embarked. It was not likely that under such circumstances he should have that authority and weight which it was desirable he should have on board the vessel. And he believed that on this account, in many cases, considerable difficulty had followed. He thought that the old practice should be resorted to of having troop ships commanded by officers of the rank of Commander.

The EARL of MINTO said, as to the Ordnance stores they were only the tents and ammunition attached to the regiment. He agreed with the noble Lord that it was better these transport vessels should be commanded by officers of higher rank than that of master. It had been usual to give these vessels to Commanders, and the change had arisen only from the desire to find more accommodation for the troops embarked; as a Commander carried with him lieutenants and other officers, who all took up room. He believed, however, that the Admiralty were now satisfied that the experiment had failed, and that in future Commanders would be employed.

The EARL of ELLENBOROUGH would recommend the noble Duke (the Duke of Montrose) to move for the production of the doctor's report, which would afford the true test of the conduct of the Admiralty, and of all the officers concerned; for it would then be seen whether the troops maintained their health and efficiency, not merely up to the time of their arrival, but for three or four weeks afterwards. It was often not until after the arrival of troops at their destination that sickness—the germs of which had been laid during the period of their passage—fully manifested itself. If it appeared that the troops maintained their health after their arrival at the Cape, then the Admiralty and other authorities might be absolved from blame; but if it should be found that the regiment landed in a state of inefficiency, or that within a very short time after landing it became inefficient, then, without any regard to the subject of baggage, or rifles, or anything else, he would not hesitate to say that the authorities were in error as to the state in which they sent the regiment afloat. It was of infinitely more importance that 400 men should be landed in a state of efficiency than that 600 should be landed with the germs of disease in them, and in a state of inefficiency. The importance of this subject had been brought under his notice in connexion with the expedition to China. The 98th Regiment was placed on board ship for transport to China, together with a number of recruits for other regiments; and, although the health of the troops was maintained during the passage, the regiment fell to pieces as soon as it was landed, and was for many months unable to take the field. His conviction was, that, with a view to the transport of troops efficiently, ample room should be afforded them. He thought also, that out of consideration for the comfort of the troops, they ought not to be sent to sea so soon after embarkation, but that a lapse of, say 48 hours, should be allowed between embarkation and sailing.

The EARL of MINTO said, the troops on board the *Megæra* were not unduly crowded; for if they were so, the officers were given the option of removing 100 of their number to another ship, and had declined to do so.

The EARL of ELLENBOROUGH thought the ship must have been overcrowded. The *Megæra* was stated to be a vessel of 1,300 tons. [The Earl of MINTO: 1,400 tons.] They must, then, deduct from that the tonnage appropriated to machinery. There were on board upwards of 700 troops, and a crew of 200—altogether about 900 persons; so that the ship must have been greatly overcrowded. He certainly would not venture to send troops to the Cape without allowing at least one ton and a half, if not more nearly two tons, to every man on board.

The EARL of MINTO said, that, in answer to inquiries as to how many men the

Megæra would accommodate conveniently, the report of the naval authorities at Sheerness was about 702. The Admiralty, as he had said, offered to transfer 100 men from the *Megæra* to the *Birkenhead*.

The Earl of ELLENBOROUGH would beg, then, at once to move for a return of the number of men, women, and children embarked on board Her Majesty's steamer *Megæra*, and also for a return of the tonnage of that ship, deducting the tonnage of the machinery.

Earl GREY said, there could be no objection to the return. He agreed with the noble Earl that the real test on this subject would be the state in which the regiment arrived; and he was glad to inform the noble Earl that hitherto every regiment sent out had arrived at the Cape in such a state of efficiency that the troops had been enabled to march straight from the transports to take part in the operations in progress.

The Duke of NORTHUMBERLAND said, that the commanders of transports, in addition to their pay as masters in the Navy, had a per centage upon the provisions consumed. Therefore, although it was the duty of an officer to make his voyage in the shortest possible time, it was to the advantage of the master of a transport to make his passage long. The master, he believed, also derived a pecuniary advantage from going to the cheapest market for provisions. Now, if anything happened to a ship in the Downs, the master would, most naturally, put into Portsmouth; but if there was an advantage in seeking a cheaper market at Plymouth, an officer might be tempted to go there. He thought it was not right to place officers in such a situation as this, when their duties and their interests were at variance.

The Motion agreed to: Returns ordered.

SECRETARY OF BANKRUPTS' OFFICE ABOLITION BILL.

The LORD CHANCELLOR moved the Third Reading of this Bill.

Lord BROUGHAM was understood to say a measure of a somewhat similar nature had been previously introduced, which had been characterised elsewhere as a job for the purpose of increasing patronage, though its object was to lop off a payment of 3,000*l*. a year, which would have been saved to the public. That measure was called a job of Lord Cottenham's, and the House of Commons threw out the Bill. He thought it but just to that late noble and learned Lord to make this observation.

The LORD CHANCELLOR confirmed the statement of the noble and learned Lord, observing that Lord Cottenham had desired the suppression of the office. It was also but justice to the Gentleman who had for many years held the office of Secretary of Bankrupts to state that he had long since intimated his readiness to resign the appointment.

Bill read 3^{a}: Amendment made; Bill *passed*.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, February 16, 1852.

Minutes.] New Member Sworn.—Hon. Wm. Ernest Duncombe, for East Retford.

Public Bills. — 1° General Board of Health; Municipal Corporations Acts Amendment; St. Albans Disfranchisement; Irish Fisheries.

2° Suitors in Chancery Relief.

LOCAL MILITIA.

Order for Committee read; paragraphs in Queen's Speech at the opening of the Session read, as follow:—

> "Gentlemen of the House of Commons,
>
> "I have ordered Estimates of the Expenses of the current year to be laid before you.
>
> "I rely with confidence on your loyalty and zeal to make adequate provision for the Public Service.
>
> "Where any increase has been made in the Estimates of the present over the past year, such explanations will be given as will, I trust, satisfy you that such increase is consistent with a steady adherence to a pacific policy and with the dictates of a wise economy."

Mr. HUME objected to going into Committee without some reasons being stated. There had been no ballot for the militia for many years, and he should object altogether to the industrious classes being disturbed now for such a purpose, and peaceable and quiet habits interfered with by a measure most unequal in its pressure, and for which no reason was given.

Lord JOHN RUSSELL: I think it will be more convenient to discuss the subject in Committee, where Members may ask questions and receive explanations, and make remarks upon the matter, without being fettered by some of the rules of debate in a sitting of the House.

Mr. REYNOLDS wished to know whether the intended measure was confined to England?

Lord JOHN RUSSELL: I will explain the measure at length in Committee.

House in Committee.

Lord JOHN RUSSELL: Sir, in 1848 I made a statement to the House with respect to the defences of this country, and in the course of my statement, I said I thought it would be desirable to form a foundation for a permanent militia force, which might be of great service in case of invasion. Unfortunately, that proposition of mine, and other propositions with respect to the naval and military service, were coupled with a proposal for increased taxation, which became very unpalatable to the House and to the country, and the Government did not persevere in the proposal. I recall it to recollection now, chiefly for the purpose of showing that, in the opinion of Her Majesty's Government, without any pressure of extraordinary circumstances, it was wise to make provision for the defence of the country. At the time at which I then addressed the House Louis Philippe was upon the throne of France; there was no apparent revolution at hand; the disposition of that King was known to be pacific; his counsels were moderate and wise. At that time I thought it would be advisable to make permanent provision for the defences of the country; and I now renew the proposition, with the hope that the House and the country will take the same view which Her Majesty's Government take, that it would be wise to have a permanent force of militia. When I say that, it is not that I mean to depart in any respect from the assurances which were given in Her Majesty's Speech, that the relations of this country with foreign Powers were of a friendly nature, and that there was nothing apparently at hand to disturb those relations; but at the same time I think it never can be assumed that a country in the position in which this country is can be secure from the danger of war. In the first place, we may have some aggression upon some of our possessions, or even upon our own country. In the next place, it is possible that we may have some dispute with respect to the rights of our subjects, or injury supposed to be inflicted upon them by subjects of other countries. In the third place, we are bound by treaty with respect to several of the countries of Europe to defend them, if attacked. [An Hon. Member: No.] Yes; I will only mention one instance; we are bound to defend Portugal against any enemy that might attack that country; an obligation which was avowed by the whole House in 1826, and Mr. Canning called upon the House to fulfil that obligation. But, in the fourth place, we are connected, and have been for more than a century, with the general system of Europe; and any territorial increase of one Power, any aggrandisement which disturbs the general balance of power in Europe, although it might not immediately lead to war, could not be matter of indifference to this country, and would, no doubt, be the subject of conference, and might ultimately, if that balance were seriously threatened, lead to hostilities. These are reasons, Sir, why we cannot believe ourselves altogether safe from the danger of war. But there is another question which has arisen of late years, and which has been so much the topic of discussion in books and pamphlets, in conversation and in letters, in newspapers, both on this and the other side of the Channel, that it will be quite unnecessary for me to dilate upon it, or do more than mention the subject. It is, that since the invention of steam navigation this country can no longer be considered so safe as it formerly was considered, when it was necessary for an enemy to obtain the command of the Channel, and even to be favoured by the winds and waves, in order to effect any invasion, or even to inflict the most petty insult upon this country. The changes introduced by steam navigation are very great. What would be their extent in case of war, I believe no man can safely predict; but this, at least, is obvious, that any foreign force attempting to land on any part of this coast would no longer have the same difficulties to contend with which other proposed invaders of England in former days had to contemplate. Now, with that change of circumstances we must couple this fact—which is likewise one universally acknowledged—that this country is generally averse to large military establishments; that we never have been able under any Government, Whig or Tory, to endure the notion of very large military establishments, and the maintaining a large standing army, and have rather kept our establishments very far indeed below those of other countries. But it must likewise be considered that in former times, and, indeed, from the time of the Seven Years' War, I believe, to the last peace, it was generally reckoned wise as well as constitutional to maintain a considerable force of militia, which could be, as it were, a reserve for the general army, and upon which the country might rely from time to time for a certain number of men who had been trained to the use of arms. As things at present stand—as they have stood now for many years—we have no support of that kind, no such force of militia. It is to that subject I particularly wish to call the attention of the House. I shall say a few words, and only a few, with regard to our military force. With respect to our naval force I shall not make any observations at present, thinking it much better that my right hon. Friend the First Lord of the Admiralty should state his views upon that subject at length when the naval estimates shall come under consideration. With respect to our military force, I should say that the addition we propose to make to our regular Army in the present year is very small, amounting to 4,000 men of the line, and 1,000 for the artillery, in all rather a less number of men than have been despatched to the Cape since the commencement of hostilities in that colony. But I think it is of importance to state, first, the general policy which we hold with respect to our military force in the colonies, and, next, to advert to the views of the Commander-in-Chief with respect to our present armaments. With regard to the former subject, I should say that there has been for some time past a policy rather to diminish the military force in our colonies, and rely upon the people of the colonies themselves to furnish such force as may be necessary to preserve internal tranquillity, and keeping only a very small force of our regular Army there. We have acted in pursuance of that policy in more than one instance; and I should say generally I think it is better, with respect to the force we maintain in our colonies, to have it in positions in which a considerable number can be collected, rather than dispersed, as has been in former years, over all our colonies, thus leaving many of them open to attack, and without any adequate force to protect them. With regard to the second topic I have mentioned, I should say that the Commander-in-Chief and the Master-General of the Ordnance have for some time turned their attention to the improved arms which have been introduced, the muskets, which it is well known have a much longer range than those formerly in use; they have likewise considered the subject of training the men to the use of those muskets, and inquiries have been made, and boards of officers have sat, as well with respect to the choice of the musket that shall prove the best arm of service, as the weight of balls to be used, and the practice of soldiers in the use of the weapon. These matters have been subject of much consideration, and the noble Duke at the head of the Army unceasingly turns his attention to this matter, with a view that whatever military force we have be in the highest degree of efficiency. I now come, then, to the subject of a militia; and we have to consider, in the first place, whether it would be advisable to establish a militia on the plan of the old militia, or whether it would be better to establish one on the plan of the local militia. Now, with regard to the regular militia, as it was constituted in the last war, I should say that it differed little from the regular Army; but, at the same time, it was a force which the Government was restricted from using out of the United Kingdom. I own I think, if we were to propose such a force at present, there would, in the first place, be a very great objection to any compulsory service in such a force, considering it as a permanent military force; and if it were to be restricted (as it would) to service in the United Kingdom, it would be better, in case of hostilities, to have a large increase of the military force. But what I have now to propose is a force of a very different description. It is a force intended to be embodied for very limited service, employed generally in their own counties, and only called out for a small portion of the year. It appears to me, that if, at the breaking out of war, you had no force of this kind, it would take a very considerable time before you could collect and organise a sufficient number of recruits for your Army, and during that time you would have but a very limited and insufficient force; and, considering that some of your posts abroad, such as Malta, and Gibraltar, and others, would ask for an increased force, it would be impossible to have a sufficient number of men to supply them. But, if you can have a considerable number of men who have been partly trained, they would be immediately available, and for a certain time they would be upon the coast and ready to meet invasion, while at the same time the process of recruiting was going on and the increase of your regular Army;

and when that was done, the militia might return to their homes, or at all events be confined to very limited and partial service. I will now state the nature of the local militia as it was established in 1808, and amended in 1812, and remained till the end of the war. The local militia were balloted for in the same manner as the regular militia, by a long and expensive process, I think, and when chosen they were assembled and trained for twenty-eight days in the year. They were balloted for from all persons between eighteen and thirty years of age, and they were commanded by persons appointed by the Lord Lieutenant, having certain qualifications in respect of property. The proposals we have now to make, so far as there is any change, are, first, with respect to the officers. With respect to the officers, we propose that two-thirds should be appointed by the Lord Lieutenant, and one field officer and one-third of the captains by the Crown; so that the regiments may have the benefit of the experience of half-pay officers available for this service, and who must be of great use in assisting the officers appointed by the Lord Lieutenant. We propose that the Lord Lieutenant should not be bound by the restriction of qualification, but that he should name any persons for officers he may think fit, of course with the approbation of the Crown, as formerly, but without the requirement that they should be possessed of a certain amount of landed property. It is very desirable that the gentlemen of the county should take their part in the command of the local militia, but that there should not be too strict a regard had to a qualification derived from property. When the original militia laws were framed, there was a very great jealousy of the Crown, and of encroachments upon liberty, and it was supposed that if there was a limitation to persons of property, it would form a security against any attempt of the Crown in that respect; but our liberties are now so firmly secured, that of all dangers there is none less than that of an attempt by the Crown, by means of a standing Army, to suppress our liberty. With regard to the men, we propose some alteration from the former plan, according to which all men between eighteen and thirty years of age were subject to the ballot. That was a considerable number of years; and the process of sending round to each householder, and requiring a return of the number of persons in his house between those ages was a long, complicated, and very costly one. We conceive that it would be at the same time better, and a great advantage to a large portion of the population, if, taking the force we thought sufficient, we took them within a shorter number of years. We propose, therefore, for the first year, that the ages at which persons should be subject to ballot for the local militia should be from twenty to twenty-three, and in subsequent years that they should be only persons of the ages of twenty to twenty-one. It is supposed that the former proposition of taking from twenty to twenty-three, taking one-fifth as the number to be balloted, would give a force of about 80,000 men, and that in subsequent years the number to be procured from the age of twenty to twenty-one would amount to an average of 30,000. In procuring these men, I think it would not be necessary to adopt the means taken formerly; I believe that, with the assistance of the census of last year, we should know the number of persons in each county and union who would be liable to the ballot, and that it would be sufficient to require all such persons to present themselves on a certain day; that, however, is a part of the machinery of the Bill which requires great consideration. I will not now enter further into the details, but only say, that I think the process may be more economical and speedy than that hitherto adopted, owing to the change in the age to that of twenty to twenty-one in most years, instead of eighteen to thirty, and with the advantage of our knowledge which we have obtained through the census of the number that ought to be in the union and parish between those ages. With a view to the ballot, the Lord Lieutenant will be ordered to make the necessary subdivision of the county, having regard to the boundaries of unions and parishes, and it will be necessary to make such subdivision where there are not at present unions and parishes. The Deputy Lieutenant of the county, some of the magistracy, and adjutant, and some other officers of the local militia, would be present when the men were to be balloted for. It is proposed that when they are balloted, one-fifth should be taken, and that ten per cent of those remaining be taken as a reserve for all cases where excuses might afterwards be made. There would then be, according to the Militia Acts, an appeal, at which excuses might be made or disqualifications proved; and there would be the examination whether the men were fit for service, and those who belonged to the reserve of ten per cent might be called in to supply deficiencies. It is proposed also that any man from twenty to thirty years of age may volunteer to serve in the local militia, and that so far as these volunteers supply the requisite number, the balloting should not take place. It is proposed likewise that the volunteers thus placed in the local militia should serve for one year less than the balloted men. The period of service proposed for the local militia is four years; but it is proposed that we might by an Order in Council require them to serve for six months longer, and in case of Parliament, by an address to the Crown, requiring their services still further, another period of six months may be added, making twelve months altogether, in the event of the country being menaced with danger. I next come to the question how these men shall be trained in the use of arms. It is proposed that they should be formed into battalions, and be assembled either for fourteen or twenty-eight days in the first year, and for fourteen days in subsequent years. It is not proposed that either the twenty-eight or the fourteen days should necessarily be consecutive; the men might be trained for a week, and then, if it were necessary for any operations in the country, or for any other reason, they might go back to their homes and come again at another period of the year. That is the practice at present with regard to the pensioners. It is likewise proposed that three hours' drill and training should count for half a day, which would be a more convenient period to take in some parts of the year, when the service might be performed after the regular work or business of the militia man is finished. During the period they should be out, they would have the same pay and allowances as regular soldiers, and would be of course subject to the provisions of the Mutiny Act. With regard to the service to which this force could be applied, I conceive that in case of any danger of invasion they could be embodied and marched to any part of the country where their services might be required. With respect to the amount of training which I think it would be necessary to afford the men, and which I have already stated, I believe that it will be found amply sufficient for the purpose, and that in a very short time after the commencement of hostilities they would become very effective. It should be remembered that many of our great battles have been fought with armies a considerable portion of the troops of which were mere recruits—troops which had never been in action, and which had received their training almost exclusively in the field. The next question is, what will be the immediate expense of this force? It is estimated that in the course of the present year not more than 30,000 men would require to be trained in the manner I have described—there would be a greater number enrolled, but that is the number which it is intended to train for the year. The expenses altogether, including the ballot, in the first instance, the cost of clothing, the pay for the time the men are at drill, and the expense of the officers attached to the force, would be somewhere about 200,000*l.* It may be necessary to take a somewhat larger sum, as there may be a number of small incidental expenses not included in this sum. The number of men enrolled in the first year will not be less than 70,000; in the next year there would be 100,000, in the third about 120,000. These would be the numbers enrolled only, not called out. The further calling out of the force would be matter for the consideration of the Crown and Parliament, and the force might readily be increased to 150,000 men. Such, then, is the plan of Her Majesty's Government for amending the laws respecting the local militia. It involves, of course, a large number of details; my object, however, was rather to give the Committee a general idea of the plan than to enter into any detailed explanation. I believe myself that the people of this country will gladly adopt the use of such a force as the militia for the purpose of its security and defence. I ought not, however, to omit to state that the Bill will contain a provision to the effect that in certain places, where there is a large police force in existence, such force should be organised and trained according to the regulations of the local militia; and inasmuch as there would then be a trained force in such particular county, that there should be a proportionate exemption from such members of the local militia as would otherwise be required in the first ballot. In cases where volunteer corps already exist, or might hereafter be raised, their services will be accepted by the Crown, according to the provisions of the law at present in force, and such force of volunteers will be accounted as corps of local militia, and in proportion to their numbers would be the diminished force of militia which would be required. This, therefore, is the plan which I shall have to propose; when, however, the Bill is before the House, hon. Members will be better able to judge of its provisions. For my own part, I should be perfectly willing if upon the details the Bill were referred to a Select Committee for the purpose of considering how far it might be advisable to adapt its provisions to the present Local Militia Act, or to make such further improvements in it as might be considered necessary. Whatever may be the course adopted with respect to the details, if the principle of the Bill is agreed to, it will be a satisfaction to me to have proposed to the Committee a plan for laying the foundation of a national force of this kind.

Mr. REYNOLDS said, the noble Lord had not replied to his question as to whether this Bill would apply to Ireland.

Lord JOHN RUSSELL: This is a Bill only for England and Wales. With respect to Ireland, we do not propose a local militia.

Mr. REYNOLDS supposed that he was to consider that the noble Lord had now answered his (Mr. Reynolds') question, but he was at a loss how to interpret the answer. He did not know whether the exception of Ireland from the Government plan was to be regarded as a boon or an insult. As an Irishman he could not accept the exemption of Ireland as a compliment. If the arguments of the noble Lord were good for embodying a local militia in England—and he (Mr. Reynolds) was not prepared to say that they were not good—those arguments were still better as applied to Ireland. If it was necessary because of the fear of an invasion from some part of the Continent—and he could not guess as to the particular country by which they were most likely to be interfered with—to raise a local militia in England, there was more urgent need of possessing such a force in Ireland, where, in consequence of her geographical position, the danger was still greater. He must remind the noble Lord that an Irish local militia was embodied once before at a time of great peril, when the existence of the empire was in the scale. He must remind the noble Lord, in particular, of 1798, when an armed French force arrived at Killala, and marched without impediment from the Bay of Killala to the centre of Sligo; and it should not be forgotten that that force was encountered by a body of Irish militia, commanded by Colonel Vereker, now Lord Gort. [An Hon. Member: Surely not the present Lord Gort.] Well, his father. It was a trifling mistake; and there was no doubt that it was very creditable to the present Lord Gort to have had such a father. To have exempted Ireland from this plan was, therefore, no compliment to the loyalty of that kingdom: and he greatly regretted that the noble Lord had made such a mistake.

Sir JOHN PAKINGTON begged that the noble Lord, before the debate proceeded further, would state one point more clearly. The noble Lord had not stated how the force was to be distributed over the country with regard to the counties.

Lord JOHN RUSSELL: In counties. They are not to be taken out of their own counties without their own consent, except in cases of danger of invasion, or of other imminent danger.

Mr. HUME said, he had heard the statement of the noble Lord with deep regret. He (Mr. Hume) was totally opposed to this project. He was as earnest in his desire that the country should run no risk as any one else; but if they were in danger, he was for having a proper regular force, as, for instance, the existing force properly applied; and he warned the Committee and the country against sanctioning the principle involved, and all the social mischief implied, in the scheme of a local militia. The militia was an old and worn-out expedient. The militia was resorted to for the purpose of avoiding the putting the Crown in possession of too great a standing army; and the course which was formerly taken in removing the militia force from under the control of the Crown, and placing it under the government of a Committee of the House of Commons, indicated the jealousy which had existed between the Crown and the Parliament, and out of which sprung the very idea of such a force at all. That jealousy had now long ceased; and no one within those walls would have any jealousy of any powers Her Majesty might enjoy as the executive officer of this country; for the Crown, like every individual in the nation, would be bound by the rules which the constitution laid down. Why, then, were they to revert back to a system of war preparation which no longer was necessary? This scheme would be a tax bearing most unjustly upon those classes who would be drafted into the local militia. The service would be compulsory; and thus people who could not afford absence from home would be subjected to a removal from their ordinary occupations, to their own great injury, and to answer no good national purpose whatever. The proposition which he would submit to the Committee was, whether, with so large a military force, and with so large a naval force, they would be warranted in consenting to the plan propounded by the noble Lord. An expense of 200,000*l.* was, no doubt, a slight matter; but they were not to consider this plan in reference simply to the expense. It was a plan full of social evil. The evil would fall altogether on the poorer classes. The payment to obtain exemption from the conscription was a heavy and serious burden to men of the working classes; and he thought the proceeding both morally and politically injudicious; for it was resorting to the old doctrine which was held before the division of labour was recognised. But there could be a division of labour in defending the country as in everything else. He was for the regular army so long and to such an extent as the regular army was necessary. To take one of the industrious community forcibly and make him temporarily a soldier was mischievous; in the first place, as removing him from a labour that could not probably do without him; and in the next place, as unfitting him, by the new habits he would acquire, for resuming an orderly citizenship. They had seen the effects of what he might call militia forces on national characters among the nations on the Continent; and he wanted to know if they were to overlook all the lessons thus taught them. France used to be referred to as an example to be avoided; and now they were going to imitate her example. He had nothing to say against military men. He was not abusing military men. They formed habits necessary to their profession, which were fit for their profession and not for ordinary callings, being, as he believed, dangerous to private society. What was now proposed was to introduce military manners, modes of thought, and modes of acting into ordinary life; and it was to this he objected. But, apart from the principle of the Bill, he objected to the details. The men to be selected, according to the noble Lord's plan, were to be between twenty and twenty-three years of age. Now, why was this margin fixed upon arbitrarily? Why were men between twenty-five and thirty to be exempt? It was an obvious injustice, and utterly indefensible. The noble Lord had talked about the "balance of power," and of the expediency of this country being on its guard when the balance was overthrown, and of some one nation assuming too much. What did the noble Lord mean? Did the noble Lord consider that France was two powerful? He (Mr. Hume) considered that France, at this moment, was far weaker—far less likely to become the aggressor of England—than at any former period. Were we to have some new Holy Alliance against some one Continental State? He was astonished at such ideas—at such a policy—in the present Government. Was any man in that House so mad as to think that he would ever again see a British soldier on the continent of Europe as an aggressor? Such a sight would never be seen, would never be permitted again. To contemplate such a thing was to contemplate a renewal of that fatal foreign policy which had saddled the country with 800,000,000*l.* of debt, and which sum, as a permanent debt, ground down the whole people. The noble Lord could not be aware of the dissatisfaction which would be experienced at this proposal to force portions of the population into compulsory service. There was no suggestion that the men so forced from their homes were to be enfranchised. Oh, no! They were to be the defenders of the country; but they were not to have the rights of citizenship. Here, then, was a Whig Government adopting the principles and the practices so severely reprobated in the Tory Governments of former years; and if the noble Lord persevered in such courses, he (Mr. Hume) would tell him that the day was not distant when he would have to give way. The noble Lord seemed to have forgotten Lord Grey's declaration, and the approbation which that declaration elicited from the whole people. He (Mr. Hume) would take the sense of the Committee on the question, if he could find a seconder, and he would give the Committee the opportunity of dividing. He would ask what were the fleet of 250 vessels doing, that they could not be employed in the protection of our own coasts? After thirty-seven years of peace they were bound to hesitate before they adopted hastily exploded principles and proved bad systems. He would demand that, before they arbitrarily interfered with the civil rights of the people, they should inquire if their existing naval and military forces could not be better and more efficiently applied. The noble Lord, no doubt, wished peace. But here, in this proposal, he directly and palpably insulted a neighbouring Power. This militia was an armament to prepare against the possibility of a French invasion. But they all knew that the interests of France were to be at peace with England; and in that House the noble Lord, and all of them, had repudiated the statements and the assaults against the present Government of France. Yet, now, the noble Lord said that they were in fear, and that they must not attach any credit to the declarations of the foreign Government. Half of the 30,000 men to be called out would be taken from agriculture; and they should be careful how they thus interfered with the natural arrangements of society. They were to be drilled for a week at a time. Now, no one could believe that that would make them soldiers. It would just suffice to make it extremely dangerous to let them have arms in their hands. At any rate, the noble Lord should have proposed to accompany this Bill with the concession of the elective franchise to every person serving in the militia; and if the Bill went forward, he (Mr. Hume) would take care to move such an Amendment. The noble Lord had referred to steam and to steam vessels as increasing the risks to this country. But he (Mr. Hume) was prepared to show, steam had been the greatest blessing to us, in point of national defence, and that the power of protecting ourselves had been increased tenfold by our steam vessels. Certainly, they were running risks at present. They had ten ships in the Tagus to assist the Government of Portugal. They had from twenty to thirty ships in the Mediterranean to keep the Ionian Islands in slavery and in subjugation. They had twenty-three ships on the coast of Africa for the purpose of plundering the natives, and, by way of freak, of putting down one man, and putting up another chief. Then they had an enormous army. It was called a small army. But the estimates showed that they supplied clothing to 185,000 troops, either in arms, or ready at a moment's notice to take arms; and why was this vast force (and it was quite exclusive of our sailors) not sufficient?

COLONEL THOMPSON said, from all the information he could collect, the country would be too glad to see the Government doing anything in the direction of the present proposal, to be very critical as to the measures proposed. There was a general impression of the necessity for being prepared, not against what reasonable and sagacious men might do, but unreasonable and foolish. See what was the intelligence on which the public had to reflect. A journal of this very day, noted for its efforts in procuring intelligence from abroad, announced that the generals commanding corps in the French army were directed, by circular, to have their *matériel* and *personnel* in readiness on the 22nd. What was to be done on the 22nd? On the 23rd we shall know; but curiosity may be excused before. The surmise of the informants of the journal was, that on that day the ruler of France was to declare himself Emperor. It did not much concern this country if he declared himself "Mamamouchi;" but if the ruler of France knew his trade, which was to go on till he was stopped, there was a more likely object than this. What would the House say, if it was a point on Belgium? It is presumable we should know it to-morrow, by hearing that a steam force was assembling in the Downs. On all this we are likely to know more hereafter; but, in the meantime, the country will be grateful to the noble Lord's Government for all and everything it shall do in the way of precaution.

COLONEL SIBTHORP said, that a Session or two ago their ears were dinned with the words reform, retrenchment, peace—they were told of nothing but harmony, amity, and peaceful confederation to promote the welfare of mankind, and such stuff; and this humbug reached its climax in that Great Exhibition. Everything was then to be happy and prosperous. He never joined in that cant. Her Majesty's Government, and, he grieved to say, many of our gentry, were "hail, fellow! well met," with every foreign ragamuffin. Her Majesty's Government was foremost indeed—every foreigner was a brother and a friend—no matter what or who he was, the foreigner was taken by the hand, whilst our own poor people were neglected. But, not content with all this fuss about foreigners, nothing would suit the Government but that those amicable strangers should be allowed to pry into our dockyards, and inspect the Tower and our arsenals. The whole nakedness of the country was laid open to them, and now we were about to reap the fruits of our generosity. Higher and better people than the noble Lord and his Colleagues countenanced this delusion; but the absurdity had now passed away, and instead of the olive branch they were to have the trumpet. He objected to the scheme of the noble Lord, which he thought in a great measure designed to promote, what he never for a moment forgot on any occasion, great or small, namely, to increase the patronage of himself and his Colleagues. He was unable to hear much of what the noble Lord said, but what he did hear he disliked. The noble Lord spoke in so low a tone of voice, no doubt intentionally, that it was impossible to catch more than a sentence here and there. Even that circumstance tended to increase his suspicion of the nature of the measure. He was of opinion, if any additional force were required, that the old militia might be called out at much less expense and in a more efficient manner than this new conscription which was now proposed. He protested against all these dark and subtle designs, and thought the best that could be done with the Government, who had brought the country to such a condition, and left her so defenceless, was to ship every one of them off to Botany Bay.

SIR HARRY VERNEY said, he must complain of the manner in which the hon. Member for Montrose (Mr. Hume) had spoken of the soldiers of the British Army. He (Sir H. Verney) would maintain that there was not a more honourable, well-conducted, and moral set of men in the country ever collected together in a body of 600 or 800 than those who composed a regiment of British soldiers. What was the fact? Every regiment had a library, consisting of 5,000 or 6,000 volumes, which were paid for by the men themselves, and the library was conducted by non-commissioned officers. In each regiment there was a school open for the soldiers morning and evening. On one evening in each week the commanding officer procured a lecture to be given; and on another evening in the week some scientific and intellectual entertainment was afforded to the soldiers. He could not avoid making these few remarks when he heard the character of the British soldier calumniated and spoken of in a way which it did not deserve. It was with some degree of regret that he had heard the proposal of the noble Lord at the head of the Government, for he could not believe that a force so collected, so organised, and so disciplined as was proposed, could be competent successfully to encounter an invasion of this country. If they were to have a militia force, let it be thoroughly efficient. He believed that nothing would be more easy than to raise one battalion or even two battalions in each county, who, instead of being demoralised by becoming soldiers, would prove to be the best class of labourers the country possessed, and who would be looked up to by their fellow-labourers. He hoped the present opportunity would be taken by the Government to bring all branches of the military service into a state of complete efficiency, and make those branches become more closely connected with one another. He should also have been glad if it had been proposed to make the state of the military service more agreeable and desirable to the peasantry and labourers of the country. He should have liked to see the local militia made more useful, and constituted as a link with the regular army; the local militia of each county being put in immediate connexion with the regiment that bore the name of that county. He believed that a system of that sort could be worked at an expense quite as small as that which the noble Lord now proposed. Sure he was that if the militia force of the country were connected with the different regiments of the Army, the national defence would be rendered extremely efficient. Let not the noble Lord suppose that fourteen or twenty-eight days' training of militia could form an adequate defence for the country. He considered it necessary at this juncture to organise an efficient force to resist aggression, but not to interfere with any portion of Europe; and no such force could be organised at a less expense than an efficient militia. That, in his opinion, would be the most judicious step that could be taken. He agreed with the noble Lord in the propriety of employing officers of the regular Army who were now on half-pay in the formation of the new force proposed by him. Before he concluded he would earnestly warn the noble Lord of the responsibility which devolved upon the Government on this momentous question. Should any disaster befall the country, he would tell the noble Lord that those men whom we now loved and honoured, and who had hitherto assisted in founding and confirming our liberties, would be handed down to the execration of after ages if, by their means, any disaster should fall on our country. But he did not anticipate that the Government would be so remiss. He felt confident that the people would most heartily support them in every necessary measure of defence. Could it be supposed that the people of England, who insured themselves in every other matter, would be so blind as not to insure to themselves their lives, their liberties, and their properties? It was necessary that the Government should quietly take the whole matter into their consideration, and, if they did, he felt convinced that the people would enable them to place the country in such a condition as should defy all foreign aggression, whether by a single nation or by a combination of hostile States.

Mr. M. O'CONNELL hoped the noble Lord would consider whether the present measure should not be extended to Ireland. Taking as an instance the county of which he was a native, and the chief town of which he had the honour to represent—Kerry, the people of that county was pre-eminently loyal. That county was a range of coast extending from the Shannon to as far as Bantry Bay; and yet what was the force which that county possessed? They had one weak depôt, a small constabulary force, which the magistrates of the county were endeavouring to reduce, and a body of Coast Guard, mostly worn-out men, and many of them more fit for Greenwich Hospital than to be on service. Considering the condition of a country like Ireland, nothing could be more easy than for an enemy to effect a landing there. On two occasions such a circumstance had been accomplished. He trusted the noble Lord would not leave the miserable inhabitants of that country without the same defence as he was now providing for England. He was quite sure that if the measure were extended to Ireland, it would be received with thanks, and that the Government would find an organised force collected there that would withstand the efforts of any foreign enemy who should attempt to invade its shores.

Mr. COBDEN: Sir, the hon. Member for Bedford (Sir H. Verney) has stated that he hoped, as Englishmen were insured for everything else that they possessed, they would consent to pay for the insurance of their lives, their liberties, and their properties. I have no hesitation in saying that Englishmen are quite willing to pay an insurance for their lives, their liberties, and their property; but the question is, not whether they pay an insurance or not, but whether they pay enough insurance or not for those lives, those liberties, and that property. The question is, whether having already effected an insurance in the Royal Exchange, they should be called upon to insure in the Phœnix as well? The question is, whether they have not already amply insured this country from all hostile attacks by means of those votes—those scandalous votes, I will say, which the House has for so many years sanctioned for the support of the Army and Navy of this empire. This is the sole question for the Committee to consider. As a representative of the people in this House, I never expressed any other opinion than this, that the people of this country were perfectly willing to defend themselves against all unjust aggression. Now, the question again comes to this, whether we have or have not made a due defence against any such aggression? This brings me to consider what is the nature of the defence we now possess? What, in the first place, is it that we have voted for our Navy? Why, if I were to go back to the whole period of thirty-seven years that have elapsed since the war, it would be seen that we had voted no less than 250,000,000*l.* for our Navy; but I will confine myself to the last ten years of that period, because we have something to show for the money we have during those years expended. During the ten years, then, from 1841 to 1850, we have paid for wages to artificers employed in Her Majesty's dockyards at home 6,850,000*l.* In the same period we have paid for Naval stores, for the building and repairs of ships, &c., 13,400,000*l.*; and during the same period of ten years we have laid out in new works, improvements, and repairs in the dockyards, &c., 3,700,000*l.* Now, what would a private shipbuilder say if, after having laid out 23,950,000*l.* in shipbuilding, that is to say, in purchasing materials, in paying artificers' wages, in the repairing of ships, &c., he should find all those ships in an inefficient and destitute state, and unfit for carrying out any of the purposes whatever for which they were designed, and that he must apply to some foreign and extraneous source to make up for the absence of that power for which he had paid upwards of 23,000,000*l.* This is precisely the question which the Committee have to consider. The question put to us by the hon. Member for Bedford is, whether, as a country, we are to insure ourselves against foreign aggression? I say we are already abundantly insured. I ask what it is that we do with the vessels which we have constructed at such a vast cost—a cost which, even within the last ten years, would purchase nearly the whole mercantile marine of this kingdom? What is it that we do with our ships while we hear of this danger of invasion? Where are our ships? Where is our Navy? Up even to this moment we have a squadron in the Tagus, but which I am told has been ordered home. And, at the present moment, we have another squadron in the Mediterranean. I will read to the Committee, and to the people of England, who appear to be frightened out of their wits that something is coming to attack them in their own homes, the number of ships this country possesses, and where they are stationary. In the Mediterranean there are the *Albion*, of 90 guns; the *Bellerophon*, of 78; the *Indefatigable*, of 50; the *Phœton*, of 50; the *Queen*, of 110; the *Trafalgar*, of 120; the *Vengeance*, of 84; and the *Superb*, of 80. This does not include above a dozen small vessels of war. We have all this force in the Mediterranean at the very time that we hear this outcry about invasion. Why does not the Government order these vessels home? But, so far from this, what is their policy? Why, at this very moment they have just ordered the *Britannia*, a ship of 120 guns, to sail to Malta, 1,200 miles away from the coast where it might be of use to us. Besides this, the Lisbon squadron, or squadron of evolutions, as it is called, consists of the *Arethusa*, of 50 guns; the *Arrogant*, of 36; the *Hogue*, of 60; the *Leander*, of 50; and the *Prince Regent*, 90. Now, is such conduct as this rational while the people are raising a cry of invasion? Is it wise, or consistent with common sense, that you should have such a force as this —a force large enough for any naval purposes whatever that can possibly be required in the actual condition of the country and of Europe—that you should have such a force 1,200 miles away from your own shores, and that you should then raise the cry of invasion, and come down to this House and ask the people to leave their daily avocations to go out to be armed and drilled, and to give you an addition to your Army in order that you may protect them against somebody who is going to molest them? I am not going to do the Admiralty or the Government the injustice of assuming that we have no ships at home. These 23,000,000*l.* have not all been wasted. We are not without ships of war in the ports on our coasts. We are not liable to be bombarded by a few gunbrigs, or a thousand or two of buccaneers coming to our shores. We have in commission at Sheerness the *London*, of 90 guns, the *Monarch*, of 84, and the *Waterloo*, of 120; we have at Portsmouth the *Neptune*, of 120 guns, the *Rodney*, of 90 (advanced ship), the *Blenheim*, of 60, the *Edinburgh*, of 58, the *Excellent*, of 76, and the *Victory*, of 101; we have at Chatham the *Boscawen*, of 70 guns; at Woolwich, the *Fisgard*, of 42; at Devonport, the *Impregnable*, of 104, and the *St. George*, of 120; and at Pembroke, the *Saturn*, of 72. Here are ten line-of-battle ships and four frigates. But we have also paid very largely for a force of steamers which are lying in our ports, and we have besides line-of-battle ships in the West and East Indies. Now I ask anybody in the world to say what possible use there is in our having a line-of-battle ship lying at Jamaica, or another line-of-battle ship lying in the East Indies? I challenge any one to show that a line-of-battle ship, either in the East or in the West Indies, could ever be called into service, whatever might be the occasion for them. And yet, we have heard of attacks on British vessels in the Eastern Archipelago, and where you have had to pay head-money for more than 5,000 men. But we never employ our line-of-battle ships in hunting down these pirates, as they were called, and destroying them in the rivers and narrow creeks. We might as well bring a field battery into the lanes and alleys of London to look after thieves and pickpockets. Therefore, to keep these line-of-battle ships at Hongkong and Singapore, while we are afraid of an invasion here upon our coasts, is one of the most monstrous and ridiculous things that can be imagined. The argument was, that we were so near France, that we were in danger of being invaded by French people. But our Colonies were some thousands of miles off France, and there could be no fear that the French were going on a buccaneering expedition against them. The whole argument was, that we were in danger for our own shores. If you are sincere in using it, the first thing you must do to satisfy me of that sincerity, is to order home those large vessels, which are comparatively useless where they are now placed, to your own shores, for the purpose of protecting you. Now, I must say the noble Lord at the head of the Government, in the speech he delivered this night, and in the arguments he used, has put himself very much in antagonism with what he told us the other day at the opening of Parliament. The noble Lord on that occasion informed us that the newspaper press of this country had taken great liberties with the President of France; but that that gentleman had lived in England, that he knew the habits of this country, that he knew the press was free, and that, though it might be licentious, it was not to be taken for granted that what the press said of the President of France was the opinion of the English people. Now, without offering a word of objection to what the noble Lord said on that occasion with regard to the press of this country, I must say I think he has contrived to take up a position which, while it is ten times more menacing to France than anything the newspapers can say, has not the excuse that he is not speaking in the name of the English people, for, if you agree to this proposal, to organise a militia of 80,000 men—to set up this force with an elastic organisation which may become 110,000 or 120,000 men—I say then the noble Lord will do far more than the press of this country, which he took on himself to lecture, to put us in a state of antagonism with the French people. But the noble Lord, when he called on us to do this, failed to give one proof that what he said at the opening of Parliament, and that which the Speech from the Throne declared, was not true, and that his assertions as to the pacific intentions of the French Government were unfounded—he failed to show that what the noble Lord who leads the Opposition in the other House stated was unfounded on the same point—he had not done a single thing to show that what the noble Lord the Member for Tiverton (Lord Palmerston) said was wrong, when he declared he had left us in relations of amity and security with all the nations of the world. The noble Lord (Lord J. Russell) had not given them an argument why they should depart from the security with which he gratified them at the beginning of the Session, and by which the funds went up. He feared they would go down again to-morrow. But, comparing the noble Lord's statement now with that which he made in 1848, we may find arguments to show why there is less danger at present than then of any attack from the French people. I remember when the noble Lord brought forward his proposal in 1848 to draw out the militia, he said the King of the French during his long and pacific reign had doubled the amount of expenditure on the navy. He has not pretended to show that the present Government of France has increased the navy at all. On the contrary, I have seen in some of those French newspapers which are allowed to be published, recommendations of the policy of laying up some of their large ships. The noble Lord gave us another argument in 1848 for calling out the militia, when he said the French had 2,000,000 of National Guards; but the present President has dissolved and disbanded the National Guards, and that argument can no longer apply. I think we are as safe from molestation now as then. I say as safe from molestation, because, judging from the very suggestive and somewhat alarming remarks of the noble Lord with respect to our arrangements on the Continent, and from the observations of the hon. and gallant Gentleman the Member for Bradford (Col. Thompson), who took upon himself to speak of the policy of Belgium as a matter which might affect our policy, I am afraid there is some danger of our getting into a war from meddling with affairs on the Continent, and that this proposal and talk of calling out the militia may be from the intention of employing our forces on the Continent. Now, I can only say, if the people of England, remembering the experience of the last year, and after having suffered from the desertion and treachery of every people on the Continent in turn, and after bringing a long and dreary war to a close, in which they did nothing permanent, and settled no principle on a fixed basis, but burdening the country with an enormous debt, again allow any Government, Whig or Tory, to attempt to drag them into a Continental war, they will richly deserve the catastrophe of a national bankruptcy which will inevitably befall a country so impervious to all the counsels of sense and experience. As to the present measure, I am persuaded it will be very unpopular in the country among all classes; but less so among the rich than the poor, because the rich can pay for substitutes, which the poor cannot do. I have no doubt, before this discussion is brought to a close, there will be public meetings like those in 1848, when I remember the largest meeting I ever saw collected, in Birmingham, to protest against the noble Lord's measure; and he will see the same expression of hostility—and, I think, very deservedly—to the course he is now proposing. What is it in effect? A mere fraction of the community are to be drawn away from their business and pursuits to take on themselves the duty of soldiers, and to be put under martial law, —for what? I say, if you want 150,000 soldiers, take them, and pay them; pay them liberally. But, to call a man from his labours, to take a man from his work who can earn his 4*s.* a day, or from his small shop, where he is with difficulty supporting his family, and to put him into a soldier's jacket and drill him, subject him to martial law, and pay him 1*s.* a day, is a most flagrant hardship and injustice. But I will return to the point, that our Navy is our national guardian. I say that there is no necessity on national grounds for this measure. You have no business to contemplate any invasion of your shores, if the numerous fleets for which you pay so large a sum are properly kept up and disposed of. You have in that case no reason to dread invasion, whether by a few brigands or by a foreign army. I observe, a Swiss gentleman—one Baron Maurice, I believe, has been giving us a plan of invasion by an army of 120,000; but that has been disposed of, I believe, by military men, who say that it would be impossible to effect it, because to carry such an army would employ all the merchant men as well as all the ships of war belonging to France, and we should be a nation of soldiers before they could land on our shores. But there is another plan put forth by the Army and Navy journal of this month, which I will state for you in their words. It is from the *United Service Journal* for February, and is, I suppose, the opinion of military and scientific men. The editor says—

> "What we have to dread is, not an invasion, but a hostile descent, throwing on some part of our coast a force of 10,000 or 12,000 men, who, although not strong enough to occupy the country, might do irreparable mischief before they are subdued. A buccaneering expedition might even make its way into the Thames, and demand a Canton ransom from the metropolis of the world."

Now this is a very grave and serious matter put forth by the *United Service Journal*. But, in the first place, I take exception to it on this ground—it is a libel on the French army. I don't believe you could find a French officer to undertake a buccaneering expedition of this kind without a declaration of war; and if you did, then the expedition would be an act of piracy. If it be too high an appeal to make to French morality and French honour to suppose they would not act in this way, there is still this appeal—that they will be pirates. I am told one of the objects of such an invasion would be to avenge Waterloo; but how would it avenge that defeat, if they only came over here to be hanged? Again, I am told they will burn our ships in Liverpool and Bristol. If they did, they would not burn English ships only, but they would burn American ships, Dutch ships, vessels under every flag in the world; and the nation that warranted such an act, and the Government that permitted it, would be hunted at least from the face of the ocean by all the ships of every maritime nation of the globe. These are the most serious arguments I have met with for the increase of our defensive armaments. Nay, I have no belief in anything of the kind. I have no fear of anything of the kind, and the only thing we want is, that the ships you pay for to the extent of 8,000,000*l.* a year, including the various departments of the service, the dockyards and Ordnance, may be employed so that they may satisfy the timid that they have no fear of invasion from our opposite neighbours. We pay for this fleet twice as much as France pays for her navy, and three times as much as America does. Why do we pay so? Because, being an island, having extensive commercial operations over all the world, we require more ships than other nations; but, having them, we do not require to call out the militia to protect our shores against invasion. I trust the noble Lord will defer the question, so as to give the country an opportunity of expressing its opinion upon it. As to this cry of invasion, I believe the fear is much less general than many persons suppose. I have seen an attempt made to manufacture this panic before. I had in 1848 to contend against a far louder outcry, and I succeeded, along with a few hon. Members, in defeating the noble Lord's proposition, which he says he regretted. Why does he regret it? Has the country been less safe during the last three years, because we prevented the noble Lord from spending 500,000*l.*? On the contrary, I have heard it said by the press, that while the French people governed their own country, we never had been so free from fear of war. I hope the good sense of the people will resist this attempt, which, whenever it has been mentioned at public meetings has been treated with scorn. It is, in fact, a cry got up, newspapers having nothing better to talk about during the recess, which ought to have vanished at the meeting of Parliament; and give us but a few weeks more, and you will see that we shall be able to get rid of this fear, and of this cry of invasion, and then I hope it will never return again. If the noble Lord would only suffer a short delay to elapse, he would be enabled quietly to withdraw his measure, and thus to avoid the demoralising effects which the embodying of the militia could not fail to have upon all our social relations.

VISCOUNT PALMERSTON: Sir, I have heard with satisfaction the speech of the hon. and gallant Gentleman on this side of the House, the hon. Member for Bradford (Col. Thompson), who expressed his gratification that Her Majesty's Government were at last doing something, and were proposing a measure on the subject of the present discussion. My satisfaction, I can, however, assure the House, is not founded on any temporary panic, or on any opinion that there is now pressing on us any danger which has not existed at any former period. I trust our relations with all those countries from which, under any circumstances, danger might arise, are friendly, and that there is no question at present likely to arise which can expose this country to the danger of war. But the noble Lord at the head of Her Majesty's Government knows that so long ago as the year 1846 I took the liberty of pressing on him my opinion, that on general principles, and with a view to the permanent and lasting interests of the country, it was desirable that some such measure of precaution should be taken as that which is the object of the present proposal, and I have at various times renewed my instances; but there were difficulties which prevented my recommendations from being caried into effect. I am glad, Sir, those difficulties have disappeared, and that Her Majesty's Government are now enabled to propose measures to provide more adequately for the defence of the country. There are hon. Gentlemen who say they hope we may not be again engaged in Continental warfare, or mix ourselves up unnecessarily with Continental quarrels. Sir, I agree with them entirely; but, as the noble Lord truly said, we have engagements, and some of them of long standing, which may involve us in discussions with other countries. [Lord JOHN RUSSELL: Hear, hear!] We have political interests beyond our own shores; and there are changes which it would not suit either the safety of this country or its dignity, that we should sit quietly by, and see take place. We have interests scattered over all the surface of the globe, and there is no country in which we have not subjects, property, and commerce. Questions, moreover, often arise, and sometimes of the most dangerous character, from matters which in themselves are apparently of the most trivial characters. We had an instance of this in the Administration of Sir Robert Peel, when a question arose about Tahiti, of a very grave kind, not indeed involving any national interest, but involving the national dignity and honour. Hon. Gentlemen talk as if the only danger of rupture were from our immediate neighbour, France; but they should remember that France is not the only Power that possesses a large fleet and a large disposable army, and that there is no saying if we were involved in war with one Power, to what extent the flame might spread, or how far the jealousy of other Powers might prompt them to take advantage of the difficulties in which we were engaged. We are told that our position is insular, and that we have a fleet which is our defence; but that insular position, which constitutes, in some degree, our strength, constitutes also our danger. The Continental States are accessible only by certain roads and approaches, which they can watch and protect by fortifications, and they know where and how the attack will come. But the vast circumference of our shores is open all around, and it is impossible to foresee what place an invading force may choose to land at. The Channel is narrow which divides us from our immediate neighbours; but then, as Lord Howe said, "the sea is a wide place." That Channel may be crossed in a few hours; and a few days may bring a considerable force to any portion that may be selected of the extended surface of our shores. I believe our Navy is, as my hon. Friend (Mr. Cobden) said it ought to be, considering the expense which has been incurred upon it, as efficient as it ever was at any former period in proportion to its extent. Nay, I believe it is more efficient than it ever was; I believe that we have a great amount of valuable stores in our dockyards, and that we have a large number of ships in ordinary. But is that a reason why we should permit an enemy to come and destroy those stores, to burn those ships, which are capable of receiving men, but which have no men on board? And here I must complain of the exaggeration of the hon. Gentleman in enumerating the force of our Navy, when he reckoned as part of our defence ships like the *Excellent*, which is only placed for target practice, and the *Victory*, which is only a guardship in Portsmouth harbour, and not, so far as I know, fit for sea at all. But what I say is this, it would be madness to rely entirely on our Navy for safety from invasion. It is perfectly impossible for any navy, however active, vigorous, and numerous, to prevent altogether the landing of a hostile force, when we consider the short interval of space between our own shores and the numerous points from which an enemy might come, and whence an expedition might sail to some spot of our wide-extending shores, and land, for instance, in Ireland, or any less guarded portion of the country. It is therefore necessary that we should have a land force—that we should have armed men to resist armed men; for, as to fortifications, it is useless to think of fortifying more than our arsenals and dockyards, and such places of vital importance: there is no fortification like brave men armed, organised, disciplined, and ready to meet an enemy. That is the best fortification, and such a fortification you will always find in the hearts and arms of Englishmen. But if it be necessary that we should have armed men to meet the unfortunate possibility of an invasion—I hope not the probability; and mind, the less probable it will be the more we are prepared for it: nothing so much tempts aggression as weakness and incapacity to resist, when to that is added enormous wealth and a great temptation for political objects—if it be necessary that this country should have a force capable of defending our homes against an invading army, and of protecting us from the incalculable calamity which would arise from the occupation of any portion of our country, even for a month, by an invading force, why then, I say, something like the mode proposed by the noble Lord at the head of the Government seems to me the best, if not the only possible, mode of accomplishing our purpose. It is mighty well for persons in this country to talk of the hardship of taking men away from their homes, their farms, or their shops, in order to teach them to defend themselves, their families, and their country. Fortunately, Sir, the people of England do not know what the calamities of war are; but those who have served abroad, and those who have read with common attention the accounts of the effects of war in foreign countries, must know that a greater calamity could not well befall this country than the landing of a force of sufficient magnitude to occupy any portion of it for even the shortest conceivable period. If then there is to be a standing force, I think the mode in which the noble Lord proposes to raise it is, on the whole, the best that can be adopted. I am satisfied that the habits, the feelings, and the finances of the country would not permit us to have a regular force in time of peace sufficient to defend the country in the event of war. The only thing we can have, then, is what every other country of any magnitude and importance has also, and that is a dormant force, trained, organised, and disciplined to a certain degree, in time of peace, and ready to appear under arms in time of war, and to take a part with the regular forces in operations against an invading enemy. My hon. Friend (Mr. Cobden) talks about the hardship of taking persons from their homes; but the people of the United States of America do not feel it as a hardship to be called upon to learn the use of arms to defend their homes and their country in the event of invasion. Why, it is said there are somewhere about 2,000,000 of militiamen in the United States. In most of the countries of Europe there is a similar force. Prussia has a large defensive force in her Landwehr; and Austria has a large amount of dormant force of this kind. The National Guards of France were a very numerous body, and, although they have been recently disbanded, they will no doubt be again partially reorganised. There is no great country in the world that follows the example of this country—I should say the recent example of this country, for it is only of late years the militia has been discontinued. Considering the enormous wealth which we have to protect, there is no country so defenceless and so destitute of the means of protecting itself in case of attack. What we want is a trained, an organised, disciplined, force, and assembled for a short time in the year in order to be accustomed to the use of arms, and practised in those movements without a knowledge of which armed men are a mob, and not an army; which is not to be sent out of the kingdom, and which can be called together in a short period, and assembled under arms to defend the country. The militia is that force. The militia has been in existence for nearly two centuries; and I cannot understand the meaning of the distinction made by the noble Lord (Lord John Russell) between the regular and the local militia, upon which the noble Lord grounds his preference for the local militia. The regular militia is, in time of peace, like the local militia, but in time of war it is within the limits of the United Kingdom, like the regular army. It is a body formed by ballot—those who were drawn providing a substitute, if they chose to do so; and this is an important distinction between the regular and the local militia. In the regular militia there may be substitutes; but in the local militia substitutes are not allowed, and balloted men must serve in person, with a few exceptions. The regular militia is the old and constitutional force of this country, formed by ballot and by substitutes, officered, trained, armed, and equipped, assembling every year for twenty-eight days, or a less period, and ready within a week or ten days, when war is imminent, or has broken out, to assemble under arms and join the regular army for the defence of the country. The regular militia, too, is liable to serve in the whole of the United Kingdom; and I really am astonished that in a plan for the defence of the realm, Ireland should be left without the protection said to be essential for the defence of this country. The local militia, which the noble Lord at the head of the Government purposes to organise, can only be called upon to serve in Great Britain; and why a defensive force is not to be raised for Ireland, I am at a loss to conceive. Do the Government doubt the loyalty of the Irish people? Why, Sir, I would pledge my existence that there is not a man in Ireland who, being called out, and having taken the oath of allegiance to his Sovereign, would not lose his life rather than not defend his country against invasion. I have the most complete confidence in the loyalty of the millions of Ireland. I am persuaded they would be true to the Queen and to their oath; and as to their courage, that is sufficiently well known to need no eulogium from any man. If, then, Sir, we are to have a militia—which, in my opinion, we ought to have—I do not understand why the noble Lord has adopted so complicated an arrangement as this experiment of his seems to be, when he has a simpler and more effective force in the regular and well-known militia, raised with less personal inconvenience, and more available for national defence; because, while the local militia does not permit of substitutes, the regular militia does, and it is a force which may be required to serve in any part of the United Kingdom. The local militia apparently is not to be trained by battalions, but the men are to come out by tens and twenties whenever they like to be trained by squads. Now squad drill will never make soldiers fit for service. To render troops fit for service in the field, they must have been practised in battalion movements. Then it seems, from the statement of the noble Lord, that this local militia, even when formed into battalions, is to remain each battalion in its respective county, and it would thus be eaten up by an enemy in detail just as in this House we dispose, one after the other, of the clauses of a Bill. The regular militia is founded upon Acts of Parliament which now exist, and is available on the first breaking out of a war; but the new force could not be called out until the enemy had landed, and until it was too late to be of any service. I submit to the Government that it would be desirable to leave out the word "local" from the title of the Bill, and to bring in a Bill to amend, if necessary, the Act of 1802, and the laws, in short, which regulate the regular militia. The Government might make some arrangements connected with the ballot by which the constitution of the force might be improved. I have no doubt, too, that it would be advisable to introduce some half-pay officers, acquainted with the practical duties of the service, into the regiments of militia, who would give a tone to the force, and improve its efficiency. The men might then have the advantage of being trained in battalions, and not in awkward squads, as they would be under this Bill. These, however, are details which may be discussed when the clauses of the Bill are considered in Committee. But the Government may depend upon it that no valuable and efficient service can be given by these troops, unless they are trained by battalions, and accustomed to those movements in the field which are essential to render them useful in the operations of an action against an enemy. In conclusion I can only say that I am glad that the Government have at length resolved to provide a defensive force. I think it the cheapest and most effective means which can be provided for the protection of the country, and the danger of invasion may be best averted by its being known that we have the means of defending ourselves if we should be attacked. But while I agree in this general principle, I think the proposed Bill is susceptible of much improvement, and I would beg leave to point out the regular militia as the standard by which this House should be guided in framing the measure.

Mr. FOX MAULE said, he had heard the speech of the noble Lord who had just resumed his seat, with great satisfaction, and he rejoiced that his noble Friend had coincided completely with the Government as to the necessity of being prepared with a force of the description of a militia body; but his noble Friend was mistaken in supposing the Government Bill could be amended by substituting in place of a local a permanent, or regular militia. That subject had undergone great consideration at the hands of the Government, and to their minds it appeared far better to confine themselves in the present instance to a militia of a local rather than of a permanent character. The regular militia was composed of men who were permitted to serve by substitute, and that arrangement created so much confusion that it was often impossible to put their hand on the militiaman when his services were required. Under the system by which substitutes were admitted, a man might serve as such in the county of York, and when the training was over there, he might resort to the county of Somerset, and serve as a substitute there. Thus 5,000, or 6,000 men might in this way be doing the duty of the whole militia force. That might not be discovered in time of peace; but in time of war, when the substitute was detained in the first corps in which he was enrolled, there would be a lamentable deficiency of trained men. Besides, the Government did not propose to go so far as the expense of a regular militia. All that was aimed at under present circumstances was a force which should be mustered, partly drilled, and rendered easy of enrolment whenever the necessity arose of having recourse to their services. By the old system it took many weeks before even the lists preparatory to a ballot could be made out, and many months before the men could be enrolled. It was not proposed by this Act to render every man between the ages of eighteen and forty-five liable to ballot, as by the old Militia Act, whereby married men were drawn, and great expense thrown on the country in providing for their wives and families. But it was proposed to ballot for men between the ages of twenty and twenty-three, by which they believed they would get a sufficient force, and a force composed of those on whom the engagement of service would fall with the greatest lightness. He could assure his noble Friend (Lord Palmerston) that it was proposed to battalionise the force as soon as they were mustered. It was not proposed, as his noble Friend insinuated, to keep them in awkward squads permanently; but they must have them in awkward squads until they were ready for battalions. They would have officers and non-commissioned officers appointed, and, except in case of absolute invasion or threatened invasion, they would not be called for service out of their own localities. Now it appeared to him (Mr. Fox Maule) that this would be a very simple force, and easy to be got together; very economical, and perfectly effectual for all the purposes for which it was required. The hon. Member for Montrose (Mr. Hume) had compared the proposed system to a different system in France, only in diluted form, which was known under the name of the conscription. He (Mr. Fox Maule) was one of those who held that it was a constitutional obligation on every man to rally round his hearth and altar; and to that obligation every man in the country ought to be bound. When the Government asked then for only one-fifth part of the adult male population, and that between the ages of twenty and twenty-three, to serve (or rather be liable to serve) their country for a period of four years, and during that period never to be taken from their own locality, except the country was invaded or in danger of invasion—to submit to fourteen, or as much as twenty-eight days' drill in the course of a year, for a period of about six hours of the day, he thought this the lightest duty which could be required of the youth of a great country like this; and he was very much mistaken if such a proposition would either be hooted at, or be as unpopular as a conscription, as the hon. Member for Montrose imagined. The hon. Member for the West Riding of Yorkshire (Mr. Cobden) said he would prefer a regular army to any militia; but there were some people who, whenever there were two courses, somehow or other had objections to both;

and he had very little doubt, when an addition of 4,000 men to the Army Estimates was proposed, the hon. Member for the West Riding and the hon. Member for Montrose would be the first to say, "We have troops enough." The hon. Member for the West Riding had also said, nothing could be so menacing to France as the proposition now made. He (Mr. Fox Maule) could understand no proposition as menacing which had for its object alone the defence of our own shores; it could only be menacing when France, or any other country, landed on those shores, or intended to attack and invade us; he apprehended no act of self-protection could be menacing to any nation. He was perfectly ready to take any share of blame for not having moved in this direction sooner; but he confessed he thought the time was come when Government would have been remiss in not taking the steps which they had done. Some said those steps had been delayed; but at all events they had the satisfaction of thinking the foundation was now laid for the establishment of a home force, never to be called on until their services were absolutely required, and consisting of that portion of the community whom he would not object to see trained to the use of arms. They would be men who had something to lose, and had a desire to protect that something, and not men who, being substitutes for others, were eventually drawn from the refuse of the population. As his noble Friend (Lord J. Russell) had stated, there were many country gentlemen in that House who had had many years' experience, and were well acquainted with the details of the militia in their several districts; and the Government did not object to this measure being considered in a Committee of the whole House, or, after a second reading, to be referred to a Select Committee upstairs. But there was one point to which he must for a moment allude. The hon. Member for the city of Dublin (Mr. Reynolds) had asked if Ireland was to be included in this Bill? His answer was, neither Ireland nor Scotland was included—England was the point most essential, to which, in the first instance, the Government applied themselves; but they omitted Scotland and Ireland, nothing doubting the loyalty of the Scotch and Irish, if they were in any danger of any foreign foe, for, come from where it may, there was not one subject of the Queen, be he in what portion of Her Majesty's dominions he may, be he of what religion he may, be he of what political opinion he may, who would not fly at once to arms in defence, and rally round the Sovereign with the same loyalty which had ever distinguished them.

Mr. NEWDEGATE was sure that, after the very able and patriotic speech of the noble Lord the Member for Tiverton—a speech which evinced the truest English spirit—a spirit that noble Lord had on many important occasions manifested—it was not necessary for him to trouble the Committee with many observations. No one was in a position to give a more independent or a more competent opinion on the subject before the House than the noble Lord, having lately left the Government, and being perhaps more versed in the relations of this country with foreign States, and their present attitude, than any other person. Assured, as he was, that the circumstances of the country were not such as to warrant an overweening confidence in the perpetuation of peace, he hoped that England would not suffer herself to be misled by the hon. Member for the West Riding (Mr. Cobden) into that state of over-confidence with which he would inspire the House. The hon. Member for the West Riding had not been very successful as the prophet of peace, for last Session he and the hon. Member for Montrose (Mr. Hume) said there were no pirates in Sarawak. One of their witnesses was a Mr. Burns, who had since paid with his life the price of his temerity and overconfidence. He did not wish to enter into any discussion of the necessity for the measure which had been announced; but after careful inquiry of those who were most competent to give information on such subjects, he was convinced that he was doing his duty, as a Member of the Opposition, in supporting the proposal now made; in saying that, he was not of course pledging himself to the forthcoming measure in all its details. In 1848 he (Mr. Newdegate) opposed the embodiment of the militia; but in 1852 he would support a defensive measure such as the Government had proposed. He was confident he was doing his duty in giving to the proposal of the Government a general support.

Mr. ROCHE said, he entirely concurred in the eulogium passed by the noble Lord

(Lord Palmerston) on the loyalty and courage of the Irish people. But in what they were doing, bringing forward a Bill for the further self-defence of the country, would Government allow him to ask whether they were acting quite fairly or prudently towards a people described by the noble Lord as pre-eminently loyal? It was folly to think the acts of that House would not be canvassed in England, in Ireland, and on the Continent. They might be assured that Continental nations would say, "While England is arming herself for defence against hostility, is there not an important portion of the kingdom, either by neglect or design, left undefended?" Let Members speak boldly and plainly. He had seen with pain writings and publications in Irish newspapers, tending to invite a French invasion. He had seen with pain and disgust those publications. He deplored the fact of such things having been written—he deplored the effect and the act; but he also deplored the conduct of Her Majesty's Government in hesitating at arming the Irish people, for such a proceeding added a kind of colouring to the base and wicked attempts and arguments of misguided people. He did not agree with the views of the hon. Member for the West Riding. He believed the voluntary system was the best, cheapest, and most constitutional mode of defence. If that were so, in what position was Ireland placed? What the noble Lord said was true—the better defended and prepared a country was, the less was the chance of invasion. But if they took care that Ireland should not be armed, what was that but an advertisement to France, that "Soldiers may be landed here." Such would be the consequences of excluding Ireland from the Bill. There might be a small number of disaffected persons in Ireland, but the great body of the people were as loyal and as little disposed to fraternise with the French as the people of England. That was the ground on which he called upon Government, if they were well affected to Her Majesty's loyal and peaceful Irish subjects, to give them the same means of protecting their country as they had given to England. The Bill excluded Ireland and Scotland. He hoped, however, like the new Reform Bills, that they were to have separate Bills to effect the same object. If not, it would be nothing short of a declaration to Europe, that the people of Ireland were not to be depended upon. If they did this, they would commit a great mistake as statesmen, and practically they would also calumniate the Irish people.

LORD JOHN RUSSELL: Sir, the hon. Gentleman who has just sat down supposes, without any warrant or foundation whatever, that Ireland is not placed in this Bill in consequence of some distrust of the loyalty of Irishmen. Sir, as I have already said, there is no sort of foundation for such a supposition. It would have created the greatest confusion if we had proposed to introduce into the same Bill different authorities with regard to Irish parishes and Irish unions; and, therefore, we took first a Militia Bill which affected England, and made that the foundation, not making it applicable either to Scotland any more than to Ireland. At the same time we imply no distrust of the loyalty of Scotchmen. We do not say the Scotch people are not loyal, but we say we wish, in the first instance, to introduce a Militia local Bill for England. There is another thing which I stated with regard to this Bill, namely, that a portion of the police force employed in the metropolis, and in the great towns of some larger counties, was regarded as a part of the quota to be furnished, and was so far an exemption from the obligations of the Bill. If the same principle is applied to Ireland, where there is a large force of constabulary formed entirely of Irishmen, who have always behaved well in every respect, and are, I believe, as fine a body of men—some 10,000 or 12,000 strong—as can be mustered; of course, that circumstance has to be considered, when we have to introduce a Bill for Ireland. It is a matter for consideration whether we shall follow this Bill up, when it has been approved by both Houses, by Bills with regard to Ireland and Scotland; and if no measure is introduced for Scotland or Ireland, it will be from other causes than a want of confidence in the people of Ireland or Scotland.

CAPTAIN HARRIS said, he approved of something being done, for he considered it quite disgraceful that people should be thrown so often into such a state of panic as they lately had been on the subject of invasion. The hon. Member for the West Riding of Yorkshire (Mr. Cobden) had admitted to-night more than he had ever heard him previously admit—that our commercial relations were much larger than those of other countries, and for that reason required a larger navy. He wished to keep the hon. Member in that position, and taking the country which naturally suggested itself for the comparison—with which we were now at peace—they had as efficient a line-of-battle force as we had, both in number, guns, and men, for he (Capt. Harris) could not consider our advance ships in harbour as efficient ships. Within the last two or three months it had been tested, and found to require several months to get an advanced ship in efficient condition. Men ought to be provided, and he hoped the right hon. Baronet at the head of the Admiralty would give them some plan for effecting that object. The militia ballot presented an argument for a measure which he (Capt. Harris) brought forward two years ago for manning the Navy. He presumed the seafaring portion of the community would be exempt from the militia ballot, and that would afford great facility to the Admiralty for balloting among merchant seamen to man our advanced ships, and carrying out the plan he had proposed. He had not brought forward that plan last year, in consequence of the seamen having been led away by agitators on the question of the Mercantile Marine Act; but he hoped the subject would now receive that attention which it most assuredly deserved.

Sir F. BARING thought he should be able on an early day to bring in a measure on the subject, and hoped the hon. and gallant Member would therefore postpone for the present any Motion he might contemplate with regard to it.

Mr. SIDNEY HERBERT said, he could bear testimony to the fact stated by the noble Lord the Member for Tiverton (Lord Palmerston), that the opinion which he had expressed to-night on the subject of the militia was no new opinion, for when he (Mr. S. Herbert) held the office of Secretary of War the noble Lord frequently questioned him on the subject in this House. Those questions had not been without effect, for the late Government were so fully persuaded of the necessity of taking some steps in the matter, that at the desire of the right hon. Baronet the Member for Ripon (Sir James Graham), then Secretary for the Home Department, and of the late Sir Robert Peel, he (Mr. S. Herbert) drew up a Bill for the revising of the militia laws, with the view of bringing the subject before Parliament; but the measure was not brought forward, in consequence of a change of Administration. He was glad, therefore, that the Government had now taken the matter in hand. It was most impolitic, and, moreover, it was very uneconomical, to allow this country to be perpetually oscillating between panic and parsimony. He quite agreed with the hon. Gentlemen who had spoken previously, that the military service of the country should be organised, so that the greatest efficiency should be had for the money expended. On this point be as stringent as you can. But, looking to the feelings—prejudices, if they pleased—existing in this country, it was obviously impossible to maintain a standing Army large enough for the purpose of national defence, at all times, and under any conditions. Under these circumstances it was necessary to have recourse to some inexpensive mode of training an armed body to which we might have recourse in cases of emergency. Some inconvenience, however, was likely to arise from the Government having chosen to deal with a local instead of the general militia. The local system was supplementary to the general, and differed from it in many respects; but the chief distinction between them was, that the local militia could not be removed out of their respective counties, except in case of invasion, or under the immediate apprehension of invasion, while the general militia could be moved at any time, without any such condition, on the notification of any such apprehension. The local militia, therefore, was less efficient than the general, and, therefore, less fit to be a model. Take this illustration of the objection to local as compared with general militia: It was exactly when invasion was apprehended that the negotiations between two countries became most delicate, and the greatest efforts were made to preserve the appearance of reciprocal confidence up to the last moment, in the hope of a happy solution of the difficulty. If, then, at such a critical moment our Government should remove the local militia to any point which they thought exposed to the danger of attack, the proceeding would be almost tantamount to a declaration of war, by implying the apprehension of hostilities, while a similar movement effected by a general militia need attract no observation. The right hon. President of the Board of Control (Mr. Fox Maule) spoke at the conclusion of his speech about sending the Bill to a Select Committee. This was eminently a subject which ought to be dealt with by Government on its own responsibility; and, therefore, he protested against its being thrown loose with the view of making the House, and not the Ministry, responsible for what might be done.

Sir GEORGE GREY said, a distinction had been drawn by the right hon. Gentleman between the local and the general militia, and a preference expressed by him for the latter. The real difference was, that one was an offensive force, while the other was purely defensive. All they now wanted to provide was a defensive force—a force to guard this kingdom in the event of an invasion against the attack of a foreign country. They did not want, what was wanted at the conclusion of the Continental war, a militia which should set free every soldier of the regular army in the country, so that the latter might be employed, not for purposes of internal defence, but to carry on the war on the Continent of Europe. It was well known that at the period to which he referred, the militia all through the country did the duty which was originally performed by the soldiers of the line. More than that, the militia then afforded the most valuable means of recruiting the Army. They had no such intention at the present moment. They had no anticipation of a war on the Continent in which this country would have to take a part; but if unfortunately circumstances should occur to render such a force indispensable, it would then be for Parliament to determine what course should be taken to enable the country to maintain its honour and its interests. That, however, was not what was now contemplated. All the Government felt it their duty to do at present was to provide a force which might serve as a purely defensive force against foreign invasion. If a foreign invasion took place, the local militia would be available for that purpose; beyond that they did not think it right to go. The right hon. Gentleman who spoke last thought that the removal of the local militia from one part of the kingdom to another pending a negotiation would amount to a declaration of war. So would the removal of the general militia.

Mr. SIDNEY HERBERT: No; the law provided for the removal of the general militia at any time. What he had referred to was the moving of the local militia from one county or part of the island to another.

Sir GEORGE GREY said, the right hon. Gentleman appeared to contemplate the embodiment of a regular militia, as an army in the country, capable of being moved to the coast in the event of an invasion. That was a course which at present they need not contemplate; and, should it be necessary to employ the militia as they were employed at the end of the Continental war, probably the better course would be to increase the Army by a certain amount. The object they had in view was purely defensive in itself; it was one of which no foreign country could complain, for it was not to provide a means of aggression against any other country.

Viscount PALMERSTON said, he rose to set the right hon. Baronet right on a matter of fact. The right hon. Baronet had stated that, at the close of the last war, the regular militia did the whole of the military duty of the country, by which means the Government was enabled to send all the regular force abroad. Now, in January, 1814, the regular militia in the United Kingdom amounted to 82,000, and the regular troops at home to 56,000.

Sir GEORGE GREY said, he had not stated that every individual soldier was sent out of the country; but had the militia not been embodied, there would have been a necessity for 82,000 more soldiers at home.

Viscount PALMERSTON: 56,000 troops form a wide margin.

Mr. KER SEYMER hoped the noble Lord at the head of the Government would adopt the suggestion of the right hon. Gentleman the Member for South Wiltshire (Mr. S. Herbert), and not refer so important a matter as the present measure to a Select Committee. He differed entirely from the hon. Member for the West Riding as to the feeling of the people of England on the subject. He did not allude to the opinions of that portion of them who were members of peace societies, or to their platform orators; but to the great bulk of the people.

Mr. BERNAL OSBORNE said, there was much inconvenience in discussing a measure that was not printed. He would express no opinion as to the policy of forming a militia, reserving that till the Bill was before the House; but he must express his dissent from some observations of a Gentleman for whom he had the greatest respect, and with whom he frequently voted (Mr. Cobden). He quite agreed with the observations of the hon. Gentleman at the commencement of his speech, that if danger was to be apprehended from any foreign country, the first thing to be done was to withdraw our fleet now lying in the Tagus. Till he heard of its return, on the authority of the Admiralty, he (Mr. B. Osborne) should conclude that that fleet still remained there; and before forming any militia, local or general, that fleet ought to be in its proper place in the Channel. But his hon. Friend (Mr. Cobden) was never more provoking or more aggressive than when he talked about peace. This was to be regretted, as the services of a highly-gifted and intelligent man were placed in abeyance by the unfortunate monomania to which he was subject. It brought him into the most glaring contrarieties. In the last half hour he had said he had such confidence in the morality of the French army, that he was certain they would not attack this country. [Mr. Cobden: No, no!] He would ask what was the morality of any army when led? Had his hon. Friend confidence in the morality of the French army, when he had seen the late scenes in the capital of that country—when he had seen the successful fusillade by the troops of the Boulevards—when he had seen their bayonets pointed against their French brethren; or from the execution done by the artillery in other streets where the cannon was fired by Frenchmen on Frenchmen? Did he imagine that General Espinasse or General St. Arnaud would hesitate to attack this country, when they had not hesitated to break through all laws, human or divine, and place their own Legislature under arrest? If the hon. Gentleman felt that confidence in the French army, or in any army when led by officers, he (Mr. B. Osborne) did not concur with him. But he went with him in saying, "Send for your Tagus fleet." He was not an alarmist, nor an economist; but he held the Government responsible for the defence of the country, and they had a right to take the measures necessary for that purpose. Without defending the calling out of the militia, he would say this, that no foreign Power had a right to view it in the light in which it had been represented by his hon. Friend as a measure of aggression. Foreign Powers knew well that a militia was only for the purpose of defence. His hon. Friend, he must say, used an old economical argument, when he said they were going to pay the militia too little. He complained that they were only to be paid 1*s.* a day. So far as that went, he (Mr. B. Osborne) was prepared to defend the measure, as he looked upon the militia as the cheapest force that could be employed. The complaint about justice to Ireland had been sufficiently answered by the noble Lord at the head of the Government; for every one connected with Ireland knew that the police was one of the most efficient forces in the country. They would probably come first into collision with any invading army that might have the misfortune to be thrown on those shores, and he was confident they would give a good account of them, and that the result would be much more unfortunate for the invading army than for the police. He did not think this was a question which ought to be referred to a Committee upstairs. He presumed the Government were in possession of much better information than any individual Members. He would throw the responsibility on the Government. If it were necessary to call out the militia, he would give them his vote; but he was not prepared to refer a measure of this vast importance to a Select Committee. He hoped the noble Lord would think well on the matter; and that, whatever was necessary to be done, he would do it well and economically. He hoped there were not many Members of that House so bitten with these peace principles as to be satisfied to peril for one moment the honour and defence of this country.

Mr. COBDEN said, he had always observed, in his not very long experience of that House, that when a Gentleman who got up to speak upon any subject found either a want of logical power to give his reasons, or, still more, if he was not prepared to give any opinion on the measure at all, he very often fell off into a misrepresentation of what other people had said. His hon. Friend who had just spoken had charged him with having said that he believed our safety was, that the French army had too much morality to invade this country. Now, what he had said was, when told that 10,000 or 15,000 men would be thrown upon our shores as buccaneers, without any declaration of war, that he had that opinion of the French army that they would not find an officer to lead them. He had gone so far as to say that they would be hanged if they were taken alive. On a future occasion opportunities would be given of discussing this question further; and he hoped that then his hon. Friend would see that there was no necessity whatever to misrepresent his friends.

MR. BERNAL OSBORNE thought his hon. Friend had just substantiated all that he had said. His hon. Friend had great confidence in the present ruler of France. He did not know whether he had French railway shares or not; but he had such confidence in the President as to believe that the man who upset the French constitution without notice would not send an army against this country. His hon. Friend was completely run away with. He failed in his logical deductions whenever he talked of peace; but he was bound to say that in his explanation he had borne out all that he (Mr. B. Osborne) had said regarding him.

LORD JOHN RUSSELL wished to observe, that he had no objection to send the Bill before a Select Committtee to consider the details of the question ; but if the House desired it, he was quite prepared to carry it through the various stages without that course.

MR. TRELAWNY thought foreign Governments would have no jealousy on this subject, as they might very naturally suppose the militia would become necessary to suppress those seditious proceedings of foreigners in this country of which they had complained. He demurred to the statement that, because the party he generally voted with chose to maintain the executive force of the country, therefore they were not entitled to be called radical reformers. Notwithstanding all the money that had been spent, he maintained that they were still very inadequately defended in the west of England. It was most essential that the Tagus fleet should be recalled. He believed this had been done, and that the *Arethusa* had already arrived. But he would carry the principle further, and have all our fleets at home, sending them abroad only when they were required. He gave his cordial support to the measure before the House.

MR. ALCOCK would also support the measure, and was strongly in favour of a better equipment of the Army. Sir Charles Shaw had stated that 500 men, well equipped and armed, would be equal to 3,000 armed as at present; and the *Examiner* newspaper said one man properly equipped and armed would be equal to two men, if not to three, under the present system. The arms now given to our Army were worse than those of any army in Europe. They were inferior to the French, the Belgians, or even the Indians and the Algerines. [The hon. Gentleman read an extract from an article which had appeared in the *Quarterly Review,* with reference to the Affghan war, under General Elphinstone, in which it was stated that the great disasters sustained in that war were caused by the circumstance that the arms with which the troops were supplied were no match for the unerring jezails of the enemy.] He contended that it was most essential to have the Army equipped in the very best manner. But it was not difficult to see why it was otherwise. They did not allow the firearms of any foreign country to be imported; and the consequence was, as in the case of every other monopoly, that they did not get from the gunmakers so good an article as otherwise they would do.

MR. HUME would not have risen again but for the very erroneous statements made by the hon. Member who had just spoken. The hon. Gentleman read to the House a paper written, he supposed, ten years ago, and did not seem to be aware that within these five years every arm of the British Army had been changed. Every gun used in the Affghan war had been changed, as was proved before a Committee of that House. He thought that the public mind ought to be disabused of the idea that the Army was inefficiently armed. Sir Hussey Vivian sent to every State in Europe a commission of officers to bring home the best muskets that could be found. These arms, when brought here, were thoroughly tried both by officers and men. Reports of these trials were given in; and in consequence of those reports, Sir Hussey Vivian directed that the very best arms should be prepared for the British Army. Every one of them had been altered; the whole of the flint guns had been taken away, and those with percussion locks put in their place. Why, they had voted 150,000*l.* a year to make those changes, and he hoped, therefore, they would hear no more of inferior arms. If they were to have the militia at all, he hoped all the militia laws now existing would be consolidated into one. He must express his surprise at the hon. Member for Middlesex (Mr. B. Osborne) speaking on the question without having heard the noble Lord at the head of the Government. The right hon. Secretary of State (Sir G. Grey) told them this measure was for defence only; but the noble Lord attributed it to the general state of Europe, and told them that the change which had taken place in one great country had disturbed the balance of power; therefore it was necessary to have an additional force, in order to be prepared to support foreign States. He said we were bound to support certain foreign States, and spoke of Portugal. Did the noble Lord mean to say we were bound to support Belgium if it were attacked? He regretted that there existed a panic so uncalled for as the present. But, if there was danger, let all men who had property to defend share in that danger; and do not select a few victims between the ages of twenty and twenty-three. Let all who were between eighteen and forty be called out, and not confine the selection to one class. If ever there was an act of oppression more severe than another it was this—it was a conscription without being either general, fair, or just; and its object was to defend the country against an evil that nobody knew anything of.

Captain SCOBELL would reserve his opinion of the Militia Bill till it was before the House; but he hoped they would always remember that our first and best defence was the British Channel. He thought they had no cause to be at all alarmed about steam vessels. However much the intention of an enemy to attack this country might be forwarded by steam, the power of prevention on our part was quite as great. He had no doubt whatever, that with the power that steam had of getting to any given spot in almost any weather, it would be morally impossible for an enemy to come over without being attacked by our naval force. But then he concurred in what had been said by previous speakers about drawing more of their navy home. They had them scattered everywhere, and very needlessly in some places, as to numbers; but if they wanted defence let them be drawn home, for that was their right defence. If they only took due precautions with their Navy, they would never have an enemy land upon these shores. They might have an irruption—a kind of piratical expedition—but no real invasion. They had double the population that existed when the war ceased; they had ships also equal in size to those of any enemy, and steamers able to cope with any that were afloat. In time of peace their consuls abroad would be sure to inform them if any hostile preparations were going forward. In the case of France, Cherbourg was the only port capable of floating a line-of-battle ship; whereas in this country they had several ports of sufficient depth for the purpose. Let them keep but one-fifth of their Navy at home, and England would be perfectly safe.

Mr. CHISHOLM ANSTEY thought the hon. and gallant Gentleman should remember that if the population had increased to the extent which he stated, that population had at the same time been disarmed, and become unwarlike. Parliament had constantly followed the pernicious system of suspending, by the annual Militia Bill, those old wholesome measures of our forefathers by which a constitutional force was created, disciplined, and kept up, sufficient to encounter all the terrors of invasion with which they had been amused, and yet not sufficient to inspire any of that alarm which justly attached to an increase of the standing Army. He agreed with the hon. Member for Montrose (Mr. Hume) that this conscription should be general and equal, and not confined to those who were between the ages of twenty and twenty-three, otherwise it would not be just; and it should be similar to that prevailing in the Channel Islands, where every male person more than six months resident was liable to serve in person or deputy in a regiment the depôt of which was not more than two miles from his place of residence. That was the law which he wished to see adopted in this country, because he believed that was the only way in which they could obtain a reduction in the standing Army, of which they had already seen the dangers in a neighbouring country, where a standing army had overturned the constitution, and that among a population which was not, as ours was, unused to arms. Therefore, though he did not share the alarm regarding an invasion, yet he thought such a measure as the present was well adapted to check that which the ability, the honesty, and the courage of the President of France were only adequate to—a piratical invasion of the coast, where booty was to be gained without the risk of fighting. But at the same time he wished to see no limitation with respect to age; and he hoped the noble Lord would listen to the strong objections of the hon. Member for Montrose and other Members in this respect, for he saw no reason for the population of this country being saddled with taxes to support a standing army for doing that which they could, and which they ought to do for themselves. A standing Army he knew they must still continue to have; but if this measure were carried out to its full extent, he believed that the amount, and consequently, the cost of that Army might be considerably reduced.

Mr. HUME rose to ask the noble Lord whether he did not think the old laws relating to the militia should be repealed, and a new enactment made? They had heard from the right hon. Gentleman opposite (Mr. S. Herbert), that he had it in contemplation to consolidate those laws, and doubtless his measure would be found ready in the War Office; but at any rate it would be much easier to begin anew than to refer to old enactments which nobody understood.

Lord JOHN RUSSELL saie, they had had the Bill of which the right hon. Gentleman spoke before them; but he thought the hon. Gentleman (Mr. Hume) had better wait till he saw the present Bill.

"*Resolved*—That the Chairman be directed to move the House, That leave be given to bring in a Bill to amend the laws respecting the Local Militia."

House resumed.

SUITORS IN CHANCERY RELIEF BILL.

Order for Second Reading read.

Sir HENRY WILLOUGHBY said, this was an important Bill, and one to which he believed the highest authority in the Court of Chancery could have no objection, because it conferred upon him additional, and, as some might think, too much power. It was proposed by this Bill to abolish all fees—a proposal in which he (Sir H. Willoughby) entirely concurred; but then it was also proposed that the money which was to be paid in lieu of fees should be raised by stamps to be issued with the sanction of the Lord Chancellor. Now he wished to ask whether this power of the Lord Chancellor to issue stamps was to be limited, and, if so, to what amount? for in this case the House would remember that they were parting with the important power of taxing Her Majesty's subjects through the Stamp Office. There was another point on which he wished for some information. One class of officers in the Chancery Court was to be paid from this fund arising out of fees and stamps, while another class was to be paid out of the Consolidated Fund. Now he thought that a great advantage would arise from having all the officers paid out of one fund, and then they would know exactly what was the cost of the Court of Chancery.

The SOLICITOR GENERAL said, the system intended to be introduced by the present measure was exactly that which the hon. Baronet wished, namely, to substitute a simple measure instead of one of great complication. By the existing system there were 90 different officers, who received 330,000 different payments, and the amount of these payments was between 112,000*l.* and 113,000*l.* a year. Now it was proposed to abolish this system, and to pay the fees by means of stamps. The hon. Baronet asked whether the number of those stamps would be limited. Now, there would not be the least difficulty in fixing a general maximum—say the present sum of 113,000*l.*—but that there was some little difficulty in fixing the precise point of the cause at which the payments should be made. It was most desirable to concentrate all the different payments upon some epoch in the cause, but the exact moment could only be finally fixed by experiment, and therefore the power to which the hon. Baronet had referred was given to the Lord Chancellor. Then the hon. Baronet had complained that one class of officers was to be paid from the fee fund, and another from the Consolidated Fund. Now, he had no doubt that the suitors in the Court of Chancery would be very well pleased to have the whole expense of the Court thrown upon the Consolidated Fund; but he did not think that it would be right to do so, for reasons which he explained on introducing the Bill. As he then stated, that portion of money which was paid for obtaining a decision on conflicting rights ought to be paid by the Government; and accordingly the Judges who were appointed to decide conflicting rights were paid by the country. But there was another branch of the proceedings of the Court which was purely administrative, where parties thought proper to make the Court of Chancery the trustee for their property, as offering a greater security for the protection of their infant wards. Now, he did not think it was at all improper that parties who made the Court of Chancery their bankers or their trustees should make some contribution to the fund, and therefore it was proposed by the Committee, of which he thought the hon. Baronet himself was a Member, that a small tax should be placed upon them. But this would not apply to proceedings in lunacy.

At the same time hoped the period was not distant when, by the further reductions that were contemplated, suitors would be relieved from fees nearly altogether.

Sir JAMES GRAHAM: Sir, I do not rise to oppose the second reading of this Bill: on the contrary, having in former Sessions complained of the delay which has taken place in giving effect to the recommendations of the two Reports of the Select Committee on which this measure is founded, I have now great pleasure in expressing my satisfaction at this Bill being introduced. This is not the moment to go into the details of the Bill. I think that in general the details are satisfactory, and such as are calculated to carry into effect the recommendations of the Committee—though there are certain points on which their recommendations have not been adopted; and when this measure is in Committee it will be my duty to call attention to some of those particular points. But at present I rise to ask a question of my hon. and learned Friend the Solicitor General with respect to a matter that is germane to the subject of this Bill. The House will recollect that on the 27th of last June the House agreed to a unanimous Address to Her Majesty, praying that to the Members composing the Chancery Commission, two Gentlemen not of the legal profession might be added:

—"and also praying that Her Majesty would be graciously pleased to cause instructions to be given to the said Commissioners to direct their immediate attention to the course of business before the Masters in Ordinary of the said Court, so as to report as speedily as may be their opinion as to the proper steps for regulating the business in those offices in such manner as to diminish the delay and expense to the suitors."

Her Majesty, in answer to that Address, was graciously pleased to nominate the hon. Member for the county of Oxford (Mr. Henley) and myself as the lay Members of that Commission. During the recess that Commission, in obedience to the wish expressed by this House, directed its patient and earnest attention, not only to the mode of administration of justice in the courts of equity, but more especially to that portion of the subject to which this House had particularly wished their attention to be directed. That Commission, I need hardly remind the House, was composed of very eminent persons—the Master of the Rolls, two Vice-Chancellors, three leaders of the Chancery Bar, Mr. Bethell, Mr. James, and my hon. and learned Friend the Solicitor General; and my hon. and learned Friend—who, though last, was not the least distinguished among them—Mr. Justice Crompton; to these were added, as lay Members, my hon. Friend (Mr. Henley), and myself. It may appear at first sight that the materials of which this Commission was composed were of a somewhat heterogenous nature; but I can truly say that we acted together in this inquiry with the most perfect harmony, and we had the satisfaction of presenting to Her Majesty a Report which was adopted unanimously, and signed by all of us. Now what was our recommendation in respect to that special point to which the House of Commons directed our attention? We reported as our opinion that no addition to the existing Masters in Chancery ought to be made. We farther reported our opinion that the Masters now employed should occupy their time exclusively in winding up the business now before them; that henceforth the Judges in chambers, with certain appliances, should perform all the functions now discharged by the Masters in Chancery; and we decidedly and unanimously recommended that the other duties of the Masters should no longer be performed by the Masters but by the Judges themselves. Nothing could be more satisfactory to me, and I can answer for my colleagues, than that passage in Her Majesty's Speech relating to the proceedings of the Commission, in which Her Majesty informed the Parliament that She had directed Bills to be prepared in conformity with the recommendations of the Commission. I was more than delighted—I was surprised at the speed with which my hon. and learned Friend the Solicitor General hastened, on the very first day of the Session, to give notice of his intention to introduce a Bill founded on our Report. I am aware that there are circumstances which may have led to some delay on this subject, and I would not have risen to address the House on the question but for the surprise with which I heard that in another place the Lord Chancellor, the head of the law, has expressed doubts as to whether a certain portion of the Report ought to be adopted. I, for one—and I believe I speak the opinion of others—hold that the recommendation as to the Masters' Office is the very keystone of our Report. If this be not followed out, I believe all our recommendations will fail. If this be adopted, I have a sanguine hope that an important benefit will be given to the people of this country with regard to the administration of justice. I rise, therefore, for the special purpose of putting a question to my hon. and learned Friend (the Solicitor General), and of asking him whether we are really to understand that Her Majesty's statement that such a Bill is to be introduced, must be taken with the reservation that the Lord Chancellor has not yet made up his mind whether or not this portion of our recommendations be worthy of the sanction of Her Majesty's Government? I do not deny that something may depend upon the details, though our Report is very elaborate, and goes fully into details upon this subject; and therefore I am quite sure that if there be a will there will be no difficulty in the way of bringing in a Bill to give effect to our recommendations. But the question of what shall be the retiring allowance to the Masters—the question whether they shall retire upon their full salaries, or only upon a portion of them—the question whether they shall be employed in the execution of other duties—these are questions beyond the scope of the Commission; they must be dealt with by Her Majesty's Government and by Parliament; and I, for one, am of opinion that any hardship cast upon individuals when carrying great legal reforms into effect, is a direct obstacle to all future legal reforms; and I would, therefore, be the last to see those gentlemen treated with any hardship when the public good is the object in view. That is my opinion and the opinion of my Brethren on the Commission; but if there be any doubt or hesitation in carrying into execution the recommendation of the Commission on this point, which is its main substance, it will give rise to disappointment, which I believe will only issue in absolute despair.

The SOLICITOR GENERAL said, he was glad to have the opportunity of stating how completely, as it appeared to him, the observations made by a noble and learned Lord elsewhere (the Lord Chancellor), and to which reference had been made by the right hon. Gentleman the Member for Ripon, had been misunderstood. Unquestionably that noble and learned Lord was placed in a very unusual position in being interrogated on a number of questions of detail with reference to measures which were not only not then under discussion in the place where the questions were put,but which had not then been even introduced before either branch of the Legislature for its consideration. He believed it was not usual for those questions to be put at a time when a measure was actually in preparation embodying the views of the person who was questioned, and when there would be ample opportunity of ascertaining what those views were on the introduction of the measure; but at the same time he was bound to say that if any impression had gone abroad from any statement that was made by that noble and learned Lord either that there had been any delay on the part of the Government in giving instructions for the preparation of a Bill, carrying into effect the recommendations of the Commissioners, or any hesitation, doubt, or difficulty in bringing forward that Bill, beyond the mere ordinary difficulty which always attended the placing in precise legal language resolutions that been had come to, and which were not yet put into precise form—that impression was most erroneous. All he believed that the noble and learned Lord intended to state was this—that whereas he was asked whether he had finally and conclusively made up his mind with reference to certain parts of the Report, the whole of which Report was to be carried into effect by an Act of Parliament, and the clauses of that Act—he in answer had to say that it was extremely inconvenient to be asked whether he had made up his mind as to the Act of Parliament before it was brought before the Legislature, and that he declined to say he had made up his mind, one way or the other, as to the various provisions of the Bill until it was before Parliament for consideration. Further, with reference to that noble and learned Lord, he begged to say that the noble and learned Lord did prepare the present Bill now before the House with the Report of the House of Commons before him, and with the most anxious wish to carry every detail of their resolutions into execution as far as he thought reasonable; and he (the Solicitor General) believed that in almost all points the noble and learned Lord had done so, and that the noble and learned Lord was prepared to take the same course with respect to the recommendations of the Commission to which the right hon. Gentleman had referred. The Report of the Commission had been placed in the hands of the noble and learned Lord only four or five days before the meeting of Parliament; but he (the Solicitor General) had been allowed by the Commissioners, at the request of the noble and learned Lord, to communicate to him some of the main features of that Report before it was formally and finally signed; and, so great was the anxiety of the noble and learned Lord not to take any step that would interfere with the recommendations of the Commissioners, that on a vacancy occurring in the office of Master in Chancery, he specially requested him (the Solicitor General) to attend his Lordship in order that he might inquire before he made any communication to the noble Lord the Prime Minister on the subject of filling up the office, whether by so doing he should in any way interfere with the views entertained by the Commissioners as to the office of Master in Chancery; and although he (the Solicitor General) was not authorised at that period to communicate to his Lordship the definite conclusions of the Commissioners, inasmuch as at that period that point was not finally determined, still, on his informing his Lordship that the question was under the consideration of the Commissioners, his Lordship said that if that were so, he would not take any step that would interfere with their recommendation. As soon, however, as his Lordship was in possession of the recommendations of the Commission, he immediately did that which was noticed in the Speech from the Throne—gave instructions to have a Bill prepared to carry into effect the recommendations of the Commission; and he gave those instructions to the very able gentleman who had served the Commissioners as Secretary, and who was most distinguished both as a conveyancer and an equity draughtsman, and he gave, in his letter to that gentleman, the reason why he had requested him to prepare the Bill, namely, that, being in possession of the views of the Commissioners, he could prepare it with greater expedition, and also with more attention to the minuter details that might have been discussed by the Commissioners, although they were not embodied in the Report. Hon. Members, in fairness, must admit that very often, however mature their deliberations, and how much soever they might have considered a subject, when they came to frame a Bill founded upon it, that proved itself to be the real test by which to ascertain the exact value of every detail of their conclusions, and the necessity of any modification, not of principle, but of such details. He believed the remark of the noble and learned Lord to have applied to that—namely, that, until he saw the Bill in its actual shape, he could not say how far he did or did not approve of the special clauses of the measure, which was then really only in a state of preparation; but that that measure, when prepared, would fully and effectually carry out the substantial recommendations of the Commissioners, including that to which the right hon. Gentleman had referred. Of that he entertained no manner of doubt whatever. He himself did give notice—or, rather, notice was given on his behalf, as he himself was not present—for the introduction of that Bill at an early period; and he was in hopes—although he scarcely expected it could have been prepared for the day for which he had given notice—that it might have been ready on Thursday week. He could not say positively that it would be ready by that day, but he could say there would be no delay in the preparation of the Bill—that it was in the hands of the gentleman most competent to prepare it, and nothing but his want of leisure would prevent its being prepared immediately, and when prepared, it would be a Bill to carry into effect in their integrity the recommendations of the Commissioners.

Mr. HENLEY had heard with great pleasure the statement of his hon. and learned Friend the Solicitor General, if he rightly understood the observations he had addressed to the House; because, viewing his hon. and learned Friend as a fair and proper exponent of the mind of the Lord Chancellor in that House, if he (Mr. Henley) rightly caught his meaning, it was this, that the supposed or presumed doubt of the Lord Chancellor in another place had reference not to the subject-matter of the report, or that particular and important part of it to which the right hon. Gentleman had referred, but to the details of the measure which might be prepared to carry out that subject-matter. He trusted he had rightly understood his hon. and learned Friend, because, if it were so, it did to a great degree relieve his mind, and he thought it would relieve the minds of other persons, of the fear they might have entertained of the Government not sanctioning the carrying out that part of the recommendations of the Commissioners. After the announcement made in the early part of the Queen's Speech as to the intention of the Government, followed up by the statement of the Prime Minister as to the introduction of this Bill, it was not surprising that that feeling should have been somewhat damped by the misunderstanding which he was glad to hear now had existed in the public mind as to the doubt the Lord Chancellor was supposed to have had on that part of the Report.

Sir GEORGE GREY said, the right hon. Gentleman who had just addressed the House had understood with perfect correctness the statement made by his hon. and learned Friend the Solicitor General. The Report had been presented only a few days before the meeting of Parliament: it was immediately brought under the consideration of the Government, and a passage was introduced in the Queen's Speech relating to the measure to be founded on that Report; and his noble Friend at the head of the Government thought that the most distinct and authoritative manner in which the intention of the Government could be expressed would be by giving notice of an early day for the introduction of a Bill founded on that Report. He could not sit down, however, without stating that from all he had heard, the legal part of the Commission had derived the greatest possible benefit from the cordial assistance they had received from the association of the right hon. Gentleman the Member for Ripon (Sir James Graham), and the hon. Member for Oxfordshire (Mr. Henley); and the Report, which was unanimously agreed to by the Commission, was one for which the public must feel deeply indebted to them.

Bill read 2°.

ST. ALBANS DISFRANCHISEMENT.

Sir GEORGE GREY, in moving for leave to bring in a Bill to disfranchise the borough of St. Albans, said, the House would remember the proceedings connected with the last election for the borough of St. Albans, and were aware that in consequence of the obstacles that were thrown in the way of a complete inquiry into those proceedings, the House passed an Act last Session in the preamble of which it was stated—

> "There is reason to believe that the practice of bribery at elections of Members to serve in Parliament for the borough of St. Albans hath long prevailed in the said borough, and that bribery to a great extent hath been systematically committed there at the last election of a Member of Parliament;"

and that Act appointed three Commissioners to conduct an inquiry on the spot, giving them large and extensive powers, and compelling all persons concerned in that election to give evidence before the Commission. He must now congratulate the House on the complete success of that Act, and the Commission appointed under it, shown as it was by the blue book then before him containing the evidence of the details and the Report the Commissioners had presented to Her Majesty founded upon the evidence. The Commissioners stated that they began

> —"with an investigation into the facts connected with the last election, in order to ascertain whether the corrupt practices alleged to have prevailed were confined to that election, or whether they were the result of a system or practice of bribery which there was reason to believe had long prevailed in the borough. This course of proceeding soon disclosed that the practices referred to were the result of a system which was the ordinary accompaniment of every contest." [*Parliamentary Papers, No.* 67.]

He would not trouble the House by reading long extracts from the Report, and would only allude to some of the more striking facts they had detailed, and which he believed were fully supported by the evidence. They stated that the number of electors, including 10*l.* householders, scot and lot voters, and freemen, was 483, and that the number who usually took bribes was 308; and they stated that the money expended at eight elections since 1831 was 37,000*l.*, of which two-thirds, or upwards of 24,000*l.*, were spent in bribery. Politics, they said, appeared to have no influence in these elections, the agents being ready to transfer their own services and the votes they commanded by the means of bribery, to every candidate who would find the money. At page 20 of the Report, the Commissioners said—

> "Mr. Bell made his entry into St. Albans on Monday, the 2nd of December, 1850, when the apparent canvass commenced, but Edwards had already begun to see the electors at the committee-room in Sovereign-alley. The course adopted then, and pursued up to the day of election, was one of systematic, unblushing bribery, which, but for the failure of evidence before the Committee of the House of Commons, we should have thought could not have escaped detection. The house in Sovereign-alley was taken by Edwards. It consisted of three rooms below, and two above; in one of the rooms below there was always refreshment, and there the voters attended from time to time in great numbers, in the evening, and waited until they were introduced to Edwards. A door-keeper was stationed at the head of the stairs, whose duty it was to introduce the voters who inquired for Edwards, singly, to his presence, in a room where he sat alone. His brother-in-law had at former elections acted as door-keeper; but on this occasion the office was filled by one of Edwards' sons. Edwards began to see the electors in this room on the 29th or 30th

of November, and on the evening of that day he saw and secured from 40 to 50 voters, to each of whom he gave a sum varying to from 5*l.* to 8*l.*, but generally 5*l.* These voters being thus secured were afterward canvassed at their own houses or elsewhere by the candidate and his party, when they formally promised their votes. . . . . The same system of seeing and bribing voters by Edwards in the room in Sovereign-alley continued up to the day of the election, the great majority of the persons bribed by him receiving their money in the manner stated, although in a few instances Edwards saw and bribed a voter in his own house, or left the money with the voter's wife."

As to the rival candidate, Alderman Carden, it was only fair for him to state, that the Commissioners reported that, while practices the reverse of pure were resorted to by some of those who brought him forward, and that very improper payments were made to voters by his agent, Mr. Lowe, which in their judgment amounted to bribery, they acquitted him of all participation in the bribery committed by those who brought him forward; he persevered to the last in his expressed determination to stand wholly upon what was termed the "purity principle;" and from the first he firmly discountenanced any idea of obtaining a seat in Parliament by anything like corruption. Nothing would tend more to show the extent to which corruption prevailed in this borough, than the fact that when a gentleman of Alderman Carden's position was desired to stand, it was found impossible to secure to him even that small minority of votes which might have been expected, without having recourse to the practice which he had described. The Commissioners, at page 27, summed up the evidence upon which they gave their final opinion, and said—

> "Having now presented to Your Majesty the facts of the two elections in 1847 and 1850, and detailed the system of bribery adopted, we think it right to add that the habit of taking bribes was not confined to those who might plead the state of their circumstances as a temptation, but was usual with many who from their position might have been supposed least likely to accept them. Professional men and tradesmen of a superior class admitted that they received money for their votes, and were active in bribing others, and persons holding subordinate offices connected with the administration of justice in the borough were deeply implicated in these disgraceful transactions. The system had so long prevailed, and corruption was so widely extended, that the moral sense of the inhabitants was deadened, and they evinced no shame when they avowed their participation in these practices. From this sweeping charge we are happy to be able to exempt the clergy of all denominations, and some of the principal inhabitants of the town, who united their efforts to put an end to so degrading a system."

As to the individuals themselves who had given evidence before that Commission, as they were indemnified by the Act of Parliament, he said nothing; but as to the borough itself, they finally reported—

> "That the practice of bribery at elections for Members to serve in Parliament for the borough of St. Albans hath long prevailed in the said borough, and that bribery to a great extent was systematically committed there at the last election of a Member to serve in Parliament."

The perusal of that Report must carry conviction to the mind of every man that corruption, to an extent almost unprecedented, had prevailed for a long time in St. Albans, and that the evil was so ingrained in the constituency that the borough ought to be disfranchised. This was no new course; it was the remedy which Parliament had contemplated in the appointment of the Commission, in the event of the result of that Commission being such as it had been. He supposed, therefore, there would be no objection to the Motion. He would not say one word on the Motion of which notice had been given by the hon. and gallant Member for Westminster, as he understood that the hon. and gallant Member did not intend to press it on this stage of the Bill.

SIR DE LACY EVANS said, with respect to the Amendment of which he had given notice—to include Harwich in the Bill—he believed there were ample and substantial grounds why such a Motion should be agreed to. But he was aware that technical objections might be proposed. A Commission had not sat with respect to this borough. There had, however, been a Committee to inquire into the corruption that had taken place in Harwich; and it was his impression that if a Commission were appointed to inquire into the practices that prevailed there, instead of a lesser case than at St. Albans, greater corruption would be found in Harwich, and more ingrained in the constituency. The Committee over which the hon. and learned Member for Sheffield (Mr. Roebuck) had presided, had done all that a Commission appointed by the Crown could do, and therefore, instead of proposing as an Amendment on that occasion the Motion of which he had given notice, he should to-morrow move that no new writ should be issued for Harwich without ten days' notice, which would afford an opportunity of taking the sense of the House upon the propriety of that borough being disfranchised.

Mr. KER SEYMER said, that the borough of Harwich being unrepresented in that House—[*Cries of* "No, no!"]—and he having been the chairman of a Committee that had sat to inquire into the votes given on the election for that borough, he must say that of bribery and corruption there was only a very slight trace; he could not say more; there was one case in which some thought that the election was influenced by corrupt practices, but that was the only case, and that was very doubtful. He did not say that the electors were immaculate; but at all events they were prudent, and that prudence ought to serve them in good stead. There was no proof of corruption, and, that being so, he thought that, having no representative in that House, the borough ought to have some consideration.

Mr. BAGSHAW said, that no one doubted that up to 1841 the greatest possible corruption did exist at the elections for the borough of Harwich; but he emphatically denied that anything of the sort had taken place since that time. Could anything show it more than the circumstance of Sir John Cam Hobhouse's having been nominated for the borough, and being returned for it without having ever seen the place? But unquestionably, from that time to the present, nothing in the shape of corruption had existed in the borough; and he was delighted to find that the hon. and gallant Member for Westminster would move for a Commission to inquire into the corrupt practices alleged to prevail there, as the bad odour and bad character of the borough would be at once obliterated, and it would come out pure and shining from the ordeal.

Sir HENRY WILLOUGHBY had been nominated to serve on the last Harwich Election Committee; that election was voided not on the proof of any corrupt practice, but because the polling booths had been carried away while an election was polling, before four o'clock.

Mr. ROEBUCK said, he was anxious to do away with a sham. There could not be a doubt of the downright corruption of the House. There could not be a shadow of doubt in any man's mind—in his own heart he could not hesitate to decide that such was the case. The question he wished to put to the House was this: Wherein lay the difference between this corruption which they were about to punish in the many, and that which they were in the habit of seeing in a single rich man with his powerful borough influence; or did they differ at all? He very much wished to ask what difference there was between the man who sold his vote for 5*l.* and the man who sold his borough for 2,000*l.*? He wished to know that. [*Ironical cheers.*] Yes, it was a question worth their attention in these days, when a new theory was afloat with respect to the representation of the people, namely, that a nomination borough was an ease to the Ministry, and a corrupt borough an evil to the community. He hoped that in the Bill the Government were proposing to bring in to reform the representation of the people, there would be a clause excluding all pretences, all schemes, all admirable contrivances for bringing the influence of the private man to bear upon the public interests of the constituency. In a free representation a poor man sold his vote for 5*l.*, and he was branded in that House with the name of a corrupt voter. Yet, at the same time, a rich man was in the habit of selling what he called influence, and he was allowed to do so with impunity. That was unblameable in a rich man which they punished in the poor. One man might with impunity practise the same amount of corruption, but under a sham and a pretence they came forward to disfranchise St. Albans, because 200 people in that case had done no worse than one rich man did in another borough. Let them no longer practise shams. Let them get rid of nomination boroughs. He should vote for the disfranchisement of this borough and of every corrupt borough; but, at the same time, he should lose no opportunity to get rid of the nomination boroughs.

Lord DUDLEY STUART said, the hon Member for Harwich (Mr. Bagshaw) had spoken in defence of his constituents, but he did not know whether what he had said would do them a great deal of good, or arrest the wish of the House to get rid both of corrupt and nomination boroughs. He hoped the House would yet adopt such measures as would make the representation a reality, and not a mockery. The hon. Gentleman, however, to prove the purity of his constituents, cited the case of Sir John Cam Hobhouse, who was elected for Harwich without going near it; and he thought that a defence. He (Lord D. Stuart) did not think a man's being unknown to a community was any proof of the purity of his election. He knew an instance of a man who now sat in the House of Lords, who, before Parliament was reformed, for two successive Parliaments represented a borough, and all the time he never saw his constituents, and never put his foot within the House. He hoped the Government would lend their aid, by their present measure, to make the House what it pretended to be, a representation of the people, and not of landed property.

Mr. J. BELL said: I rise, Sir, to say that I shall prefer reserving myself for the second reading of the Bill.

Mr. WHITESIDE begged to ask the right hon. Secretary for the Home Department whether the attention of the Government had been directed to that part of the St. Albans evidence which stated that Government places had been the reward of persons who had committed corruption on behalf of Reform candidates?

Sir GEORGE GREY was ignorant of any such rewards having been given by the Government to which he belonged for any such corrupt practices; but the evidence referred to having been given on oath, it was not for him, of course, to question it.

Lord CLAUD HAMILTON wished to put this test to the hon. and learned Gentleman (Mr. Roebuck) who had spoken of the corruption of the House, whether, being a member of a certain political club, he ever tried to get rid of a man who bore the character of having corrupted more electors than any man of his age? He asked the hon. Gentleman whether he ever heard of the name of Mr. Coppock, that remarkably active member of the Reform Club; and whether, if he were a member of the Reform Club, he had ever tried to purge that society of his company? No sooner had a vacancy occurred in the representation, than that gentleman was busy, first with the members of the Reform Club, then with the constituency on the scene of action. Had the hon. and learned Gentleman ever tried to put a stop to that gentleman's conduct, which had been notorious for the last twenty years? He thought when the hon. and learned Gentleman spoke of shams, he, like others, was but making a pretence, well knowing a dissolution was near at hand, and sincerely hoping such a debate would not be without its weight at the poll.

Mr. ROEBUCK said, he wished the House would allow him to answer the question put to him by the noble Lord. He said he was now Member for Sheffield. He meant simply to answer the question. He was solicited to go down to that borough; he went down by train; he was elected without opposition; he asked what were the expenses of the election, and the answer he received was, "Mr. Roebuck, that is no business of yours." [*Laughter.*] Let not the House sneer at that observation; it could not misunderstand it. He asked what were the expenses of the framework from which he had spoken, of calling together the electors, indeed what was called, and properly so, the legitimate expenses of the election; and for these he was told he was not in any way a debtor. That was the last election. Of the two former, the earlier, being the first in which he had ever appeared, cost him not a farthing; and the second was the same; but of Mr. Coppock, his name, or his influence, he had never known anything. That person dared not come where he was a Member, and pretend to be on his side of the question. He said he stood in the country upon his character, and he told the noble Lord that he had put forth flimsy imputations that were based entirely on the fancies of his own mind.

Lord CLAUD HAMILTON said, he had asked the hon. and learned Gentleman a question, and his answer had no bearing on it whatever. Was not the hon. and learned Gentlemen a Member of the Reform Club?

Mr. ROEBUCK: I am, but I never go there.

Lord CLAUD HAMILTON: That is an answer.

Mr. SPOONER considered the subject then before the House one of grave importance, and which required an answer on the part of the right hon. Baronet the Home Secretary different from that which he had just given to the question put by the hon. and learned Member for Enniskillen (Mr. Whiteside). On turning to the evidence the House would see that Mr. Coppock was asked—

> "Have you, as a matter of fact—we do not ask any details or any names—exerted yourself to obtain places for those who have served you on those occasions, either under Government or elsewhere?—I have exerted myself on every occasion to serve those to whom I considered myself indebted.
>
> "But in that particular way of obtaining a place?—Not more in that way than in any other.
>
> "Have you in that way?—I have taken people into my own office; I have placed them in other people's offices; I have got them situations on railways, and I have got them situations anywhere.

"Have you got them situations under Government in any one case?—I certainly have been the means of recommending people to situations under Government.

"And they have obtained them ultimately?—I have had clerks in my own office who have had situations from Government.

"Have you, as a matter of fact—I do not ask any details or any names—exerted yourself to obtain places for those who have served you on those occasions, either under Government or elsewhere?—Certainly, I have exerted myself to serve parties who have served me."

Now, he (Mr. Spooner) thought no person could read these questions and answers without seeing that at some time or the other Government places were obtained on the recommendation of Mr. Coppock. That was a serious charge to be made, and required a serious answer from the right hon. Baronet opposite. He would, therefore, put it to the right hon. Gentleman whether, after that statement, he did not feel himself called upon to examine these cases and see if there was ground for the charge; and if not, vindicate the Government from the obloquy. But if he should decline, then the country would believe that whilst measures were being brought forward to put down bribery and corruption, the Government themselves were the principal promoters of both in the elections of the country. He made no charge, but there was the evidence on oath which he had just read, and therefore it was incumbent in the Government to put themselves right with the country.

SIR GEORGE GREY: The hon. and learned Gentleman the Member for Enniskillen (Mr. Whiteside), asked me if I was aware that it was stated that places had been given by Government upon the application of certain parties. I told him that if it was so I was ignorant of it; that I had no cognisance of it; but if it was stated upon oath before the Commission, I had no reason to doubt it. I can only say that, judging from the cheers with which the observations of the hon. Member for South Warwickshire (Mr. Spooner) was greeted, no Member now in this House has been guilty of such a course of proceeding.

MR. JACOB BELL said, upon several occasions during this unfortunate transaction he had been placed under a kind of restraint by the urgent desire of some of his friends that he should not take any part in these proceedings. The consequence was, that for about fifteen months he had had a kind of incubus hanging over him, and he had not had the slightest opportunity of making any remark in explanation of the facts which had been brought forward against him. That course, which he had taken at the request of his friends, had been misinterpreted, and it had been supposed that he (Mr. Bell) was indifferent upon the subject, or that he was unable to say anything in his own behalf. On the present occasion he was about to utter a few words, when he was particularly requested, as he had been many times before, to sit down. He had so often regretted not having acted upon his own judgment in cases of that sort, that he was determined now to do so. He had admitted the expediency of his abstaining from addressing the House on the subject while a judicial inquiry was pending, and while a number of other persons besides himself, engaged in this unlucky transaction, were capable of being compromised by any observations he might make in defence of himself or the borough; but no such reasons now existed for withholding the explanation which he desired to make to the House. Before he said anything about the borough of St. Albans, he wished, in some degree at all events, to clear himself from the extreme severity of the accusations which had been pressed upon him, and from the imputation that it was with his eyes open he had plunged into this affair, and knowing all the circumstances of the case before him. It was very easy for Gentlemen, taking a retrospective view of a transaction, all the details of which had been mapped out before them, to point out what should have been avoided, and where the difficulties and dangers lay; but he had had no such advantage when he set out in the matter. He had discovered long ago that he had committed one grave error, and that was in going down to St. Albans at all. He committed that error under a belief, which turned out to be entirely fallacious, that there would be no opposition to his return. Was there not ground for him to suppose that in going down he should not be opposed, seeing that the three parties in the borough had each, through its representatives, requested him to go down? In his ignorance of the borough, and of the politics of the people there, when he found all three parties saying they were willing to support him, surely it was not for him to suppose that any disputes about secondary matters would set any of these parties against him when he had got down amongst them. Having once embarked on the field, having pledged himself to go to the poll, having canvassed the electors vigorously in order to secure a position as soon as possible, it was too late for him to retreat; there was no opportunity of retracing his steps, or of extricating himself from the dilemma in which he found himself. And when an opponent appeared in the field, when rumours arose respecting improper practices in the borough, although he saw no evidence of them, or of anything illegal going on, at the same time he had his suspicions; but then he had not conceived it to be his duty to ferret out all the details of the proceedings. He understood that it was not usual for candidates to dive into every act of every agent who might be employed, but that it was simply the business of the candidate to canvass the constituency, in order to secure his election; and this was the course which he took. He had since found himself to have been greatly deceived in various respects. For instance, there were electors who had questioned him and cross-questioned him for half an hour together, and when the electors so questioning him had gone away as his supporters, he had imagined that he had gained them by his arguments, whereas it had transpired in evidence that these parties had been corrupted beforehand, and had merely interrogated him and argued with him in order to keep him in the dark as to their proceedings. There was one particular consideration which had made him not a free agent, though he might have had strong suspicions that something improper was going on—that he was in the field and occupying a place that would otherwise have been occupied by another individual belonging to his party, the Liberal party; he felt that he was responsible for the principles on which he went down, and he could not, therefore, have withdrawn, even had he been so disposed. He might mention that when he spoke of going down to St. Albans on the principles of "a party," he was not alluding to the Government, for the report that he had gone down as the Government candidate had no foundation in fact, and it was right that he should take that opportunity of contradicting it. He fully exonerated the Government from any participation whatever in the transaction; and, in fact, it was the Government that had been pursuing him from the period of the election to the present time. Moreover, it was they who were bringing in a Bill to disfranchise the borough; and from that and every other circumstance, he exonerated them from having any participation whatever in his election. He had nothing further to say respecting himself in this matter; but with regard to the borough, he felt in a rather responsible and delicate position—first, as the representative of the borough; and, secondly, as having a cause to defend, for which it was impossible to offer a defence. But still, that being the case, he thought that the only course which he ought to pursue, was to point out the injustice of carrying to such an extreme a measure with reference to one single borough, when it had been proved before the Commission at St. Albans that the system was not confined to St. Albans, but prevailed in many other boroughs throughout the kingdom. The object of the Commission had been to investigate the system of corruption, and to take means for putting an end to it; and he must say that the Act of Parliament which had been passed for that purpose was the most sensible and efficacious measure which had ever been passed in reference to bribery and corruption; and he believed that if a similar Act were applied to every other borough in the kingdom, it would do more towards putting an end to those practices than any thing that had ever been done. He must say, however, if that House, instead of taking that general, fair, and consistent course, were to be content with making St. Albans the scapegoat, and grafting upon it the sins of every Member of that House, upon the supposition that by exterminating that one borough the House would be left perfectly pure, that such a course would be a complete delusion, and not only a delusion, but an injustice. A few days ago he had gone over the House of Correction, and he saw there about 150 prisoners. He knew at the same time there were 40,000 outside as bad as those who were in, but rather more cunning. Now, if those 40,000 were to hold a meeting, and to pass a resolution, that, for the sake of making themselves stand well with the public, and for the sake of proving themselves innocent of all that was corrupt, they should hang those 150 who happened to be in the prison, then, he conceived, that those 40,000 would be taking a course similar to that which the House was taking in disfranchising St. Albans, and leaving all the other boroughs of the kingdom as they were. He considered that under these circumstances, as representative of the borough, and being sure that unless he advocated its cause, other people would not, it was quite proper that he should come forward and oppose the proposed Bill to the best of his ability; and he put it to the consciences of other hon. Members who knew what elections were better than he, whether it were right to single out St. Albans in this manner? He was told that the extravagance which he had indulged in, was such as ought to have left no doubt upon his mind of the nature of the transactions that were going on. He begged to say, that at the time of the election he was not aware of the amount that was being expended; and even if he had, comparing it with the amounts which he constantly heard spoken of, there was nothing extraordinary in it. He had heard it said, "Here is an hon. Member who paid 60,000*l.* for his election," and "Here is another who paid 50,000*l.*," and another he had himself heard state that his election had cost him 40,000*l.*, while they all knew that elections costing from 5,000*l.* to 10,000*l.* were as plentiful as blackberries. Now, he had had the excitement of an election, the luxury of a petition, and the further indulgence of a Commission, and the sum total of his expenses had not exceeded 4,300*l.* Under these circumstances, he thought it was unfair to taunt him with any extraordinary extravagance. Hon. Members who knew what elections were ought to know better than to be so exceedingly severe on St. Albans. It was true that the system did appear to be exceedingly corrupt when every detail was made clear; but how would it be, if the same principles were applied to cases where 50,000*l.* or 60,000*l.* had been expended? He was not desirous of making any personal remarks; but he thought it only fair, having been singled out in this way, in consequence of the inexperience of himself and the imprudence of those who had conducted his election (which constituted the chief distinction between himself and many other hon. Members), that he should represent the circumstances of the case, and do all he could to place it in a fair position. It certainly appeared remarkably corrupt for a person to pay a sum of money for his election; but they found others, who instead of paying a sum down, spread it over seven years, and at the end of that time walked over the course and entered the House perfect patterns of purity. He wanted to know what difference there was between an hon. Gentleman putting down 2,000*l.* or 3,000*l.* in several sums, in a manner most convenient to himself, and having it dragged out of him after an election all at once? Again, if an agent at an election treated an elector with a mutton chop and a glass of ale, he was liable to a penalty, and the Member might be unseated; but if a Member of Parliament, during the period of the Exhibition for instance, invited crowds of electors to his mansion to enjoy his hospitality, even in anticipation of an election, it was considered perfect purity and mere hospitality. A great number of instances of a similar kind might be brought forward in which appearances were avoided, although the principle was precisely the same.

Colonel SIBTHORP had been charged with corruption because he had exercised Christian charity towards a Christian people. He had been charged with giving away coals in the winter. He had done so, and he would do it again. But what was the situation of the Government? He talked of Greenwich. Had the Government had nothing to do with that election? Would the noble Lord at the head of the Government say that he had not sanctioned many acts which amounted to bribery, and that he had not unduly influenced boroughs and counties,—aye, and a city, too? The fact was, that the Government found fault with humble individuals for acts of charity, and if they would not vote for the noble Lord's party, they soon got a broad hint that they were not wanted. He was astonished that the Government, who needed reform themselves, should dare to make a victim of a small borough like St. Albans. He had never influenced a tenant of his own to give a vote, nor would he do so; but he would not be restrained from visiting the poor man in his cottage, and relieving his wants. It was unfair to visit poor parties in the manner proposed, when their superiors were tenfold more guilty.

Mr. CHISHOLM ANSTEY would remind the House that there were two Members for St. Albans sitting in the House. One sat upon the Government side, the other upon the Opposition side. The Member who sat upon the Government side of the House, who was the junior and the least experienced, had been heard that night at considerable length; but though the other Member had been frequently called upon, he had not as yet favoured them with his explanation upon the matter. Having heard the one Member, he thought that it was but fair his Colleague should state his views upon the subject. He took this occasion to notice the disinterested exertions and munificence of Mr. Alderman Carden in this matter, to whom they were indebted for the disclosures which had forced the attention of Parliament to the wholesale system of corruption which had prevailed, not only in St. Albans, but in other boroughs throughout the country.

Mr. REPTON said, that having been called upon by the hon. and learned Member who had just sat down, he would trouble the House with a very few words. He would be very short and very brief. He regretted that he did not possess the power of carrying the House with him, evening after evening, as the hon. and learned Member for Youghal was so capable of doing. This House had last year appointed certain Commissioners to inquire into the conduct pursued at the St. Albans election. They pursued their inquiry—they made their Report. He bowed to that Report, which he thought a perfectly just one. With regard to himself he had no share in any such transactions when he was a candidate there in 1841. He stood a second time as a candidate for St. Albans at the last election in 1847. He went there with a firm desire to resist everything like bribery and corruption. He said that he would not advance any money for such improper purposes. He told his agent that he would sooner lose the election over and over again than lend himself to such practices. He went to the poll; but from what he saw on that day he felt convinced, by the manner in which the poll was carried, that bribery was in some shape or another resorted to. The Commissioners put the question to him; and he answered, unhesitatingly and frankly, that he believed bribery had been carried on. About ten days after the election a number of bills were brought to him to pay. Although his legal adviser told him that he was not bound to pay, he felt, upon the point of honour, that he was called upon to pay them, and he did so. He then declared, both publicly and privately, that he would never again be a candidate for St. Albans. He had been called upon by the House to make a statement. He had nothing more to say, except that, upon the word of a gentleman, what he had stated was the truth.

Mr. G. THOMPSON wished to offer a few remarks with regard to what had been said relating to the Reform Club. He did not think they would be doing strict justice if they were to censure Mr. Coppock, out of consideration for many other individuals, who had been for years engaged in practices precisely similar to those of which Mr. Coppock, by his own confession, had been guilty. Having been a member of the Reform Club for many years, and knowing a large number of those who were also members of it, he wished to say that a large proportion of the members of that association were totally unconnected with Mr. Coppock and his proceedings, and that the revelations made by Mr. Coppock at St. Albans were perfectly new to many members of that club. But, admitting that there was a party in it that owed much to the assistance of Mr. Coppock, he thought there could be no question that other political associations at that end of the metropolis were quite as much implicated in such proceedings as that political club. He had been informed, and he believed that it was not at all an unusual thing, for a gentleman in that House to confer with some other gentleman connected with a club immediately adjacent, on such transactions. He should like to call the attention of the House, as he had done before, to the fact that, since the last Reform Bill, there had been an absolute necessity to employ such persons as Mr. Coppock, with the view of obtaining seats for places in different parts of the kingdom. If there were any truth in the statement of Mr. Coppock, that, beginning with Andover and ending with Yarmouth, he could tell the price of the majority of the small boroughs, it was not fair to single out St. Albans, which had the misfortune to be discovered in such practices, and to inflict on that borough a condign punishment, when, if Commissioners were appointed, so many other boroughs would be found in a similar predicament. He was anxious to see the accomplishment of some scheme of reform which would render unnecessary the intervention of such gentlemen as Mr. Coppock. He asked Her Majesty's Government to introduce some such scheme, so that a seat in Parliament might be obtained without such practices as had been equally resorted to on both sides of the House.

Leave given.

Motion made, and Question proposed, "That Sir George Grey and Mr. Attorney General do prepare and bring in the said Bill."

Mr. ROEBUCK said, he wished to say a few words upon this Motion, for the Government were affected by it. As far as they had evidence upon the subject, this Mr. Coppock was in the immediate confidence of the Government. He was informed that the noble Lord opposite (Lord C. Hamilton), who had put a question to him, had not intended to imply that he (Mr. Roebuck) was at all implicated with Mr. Coppock, or that Mr. Coppock had dared to interfere with him, but merely that he was connected with a club of which Mr. Coppock also was a member; and upon that he had asked—"Have you, who are a purist, done anything, after the declaration that was made by Mr. Coppock, to get rid of him as a member of the Reform Club?" His answer to that question was, that in social life he was a member of the Reform Club. He went there once or perhaps twice a year; but of the internal working of that club, or of anything connected with it, beyond taking a chop at the table, he knew nothing; and he asked hon. Gentlemen present whether the appeal which had been made to him was a fair one? He knew nothing of what went on there; but he was now going to put Mr. Coppock to the test, and the Government also. Mr. Coppock said that he was employed by somebody. Mr. Edwards said that there was an insinuation of a Government employment to be given to his son. He wanted Mr. Coppock to be there [*pointing to the bar of the House*]. He had not had the satisfaction of examining Mr. Coppock. He should like to have that satisfaction if the House would grant it, for he did not believe in the purity of the Government. He believed that they were working a sham, and that they were making St. Albans a sort of scapegoat to be sent into the wilderness to take off the sins of the Administration. He wanted to know if the House would support him in bringing Mr. Coppock to that bar, in order that they might have a different sort of revelation from that which had been elicited by the Commissioners, capital as that was; but still they might reap some advantage from it. He wished the House to support him in that Amendment; and he felt sure the Government would not oppose it, because, if they did, it might be insinuated that they knew themselves to be guilty, and he was sure that they would not allow such an insinuation to pass. He wished to bring Mr. Coppock to the bar, in order to learn from him what his communications with the Government were, and who it was that told him that he had the power to dispense the favours of Government. Mr. Coppock would no doubt be able to enlighten them upon those points. Hon. Members were at present in the dark on the subject. Would they allow the House to go into a discussion upon this Bill in the dark? Would it not, besides, be an advantage, before proceeding with the Bill for the prevention of corruption, to have the secret springs of corruption laid bare?—to have the instruments of corruption before them to explain the whole system of wires by which bribery had been so long carried on in the borough of St. Albans. He was sure the Government would be the first to second his Motion for bringing Mr. Coppock to the bar to explain the proceedings with respect to St. Albans, in so far as his evidence had impugned the Government; for the Government, under that evidence, were actually impugned, for employing him as an agent of corruption. Let the House, then, have him at their bar, to explain to them whether the inference which had been drawn from his evidence was a correct one, and whether he had actually been employed by the Government.

Amendment proposed to leave out from the word "That" to the end of the Question, in order to add the words "Mr. Coppock be called to the Bar of this House" instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Lord CLAUD HAMILTON, in seconding the Amendment, begged to say that in alluding to the corrupt practices of St. Albans, he had not had the slightest intention of imputing to the hon and learned Member for Sheffield any share in those transactions. But the hon. and learned Member was generally very free in the imputation of motives to hon. Members on that side of the House; and since the word "sham" had been used, he (Lord C. Hamilton) merely wished to ask the hon. and learned Member, whether as a private individual he had used his influence to remove from that society which was supposed to be the nucleus of liberal policy a person who was supposed to be an instrument of corruption. If the hon. and learned Member was as sincere as he (Lord C. Hamilton) was, in wishing to put down bribery and corruption—and he believed that the hon. and learned Member was perfectly sincere—he would persevere in using his best exertions to expose and put a stop to such practices as had been carried on at St. Albans.

Sir GEORGE GREY said, that the course which had just been pursued by the hon. and learned Member for Sheffield (Mr. Roebuck) was the most extraordinary and unprecedented he ever remembered to have seen in that House. He (Sir G. Grey) had risen about an hour and a half ago, in pursuance of a notice given on the very first day of the Session, to move for leave to bring in a Bill for the disfranchisement of the borough of St. Albans. There was also on the paper a notice of an Amendment by the hon. and gallant Gentleman the Member for Westminster (Sir De L. Evans), which, for the reasons which the House had heard, had not been pressed upon their consideration that evening. There was not the slightest hint that any other Amendment was likely to be moved, although the Report of the Commissioners, and the evidence which was taken before them, had been in the hands of Members for nearly two weeks. During the discussion which had taken place that evening, the hon. and learned Gentleman, and the noble Lord (Lord C. Hamilton), who had seconded his Amendment, had both, by the courtesy of the House, been permitted to make two distinct speeches; and yet neither of them had hinted in their speeches that they had any objection to make to the introduction of the Bill. It was only after the House had given leave to introduce the Bill, and upon the formal question which had been put from the chair, that the name of the Attorney General should be associated with his (Sir G. Grey) in bringing in the Bill, that the hon. and learned Gentleman, nettled at some observations that had fallen from the noble Lord opposite (Lord C. Hamilton), rose to explain, and concluded by moving that Mr. Coppock be called to the bar, and that without reading one word of Mr. Coppock's evidence in support of his Motion—without, indeed, stating any grounds whatever for it, except his own belief, which he (Sir G. Grey) begged the House to receive with due caution, that Mr. Coppock had been employed as an agent of the Government in corrupting the electors of St. Albans. Now, speaking for himself, he (Sir G. Grey) could only express his firm belief that there was not the shadow of a foundation for the assumption of the hon. and learned Gentleman. He thought the House ought to pause before it called Mr. Coppock to the bar upon the mere suggestion of the hon. and learned Gentleman, unfortified by any evidence which could support such a Motion. With respect to the hon. and learned Gentleman's Motion, he would not prejudge the question as to what should be its fate, provided he brought it forward after due notice, and without taking the House by surprise with regard to it. He would only say that Mr. Coppock had already been examined under an Act of Parliament by the Commissioners appointed for the purpose. He (Sir G. Grey) had already stated that he had no reson to doubt the veracity of Mr. Coppock, more than of any other witness that had been examined before the Commission. The evidence of that gentleman was before the House; but if the hon. and learned Gentleman (Mr. Roebuck) thought that a further inquiry was necessary, and should, after due notice, state to the House his grounds for thinking so, the House would then be able to decide—not hastily, as the hon. and learned Gentleman now proposed, but after due deliberation, whether any further inquiry should take place. In the meantime, he hoped the House would agree to the formal Motion which had been submitted to them.

Mr. ROEBUCK said, he was willing to withdraw his Motion for the present. He begged to give notice, however, that after the second reading of the Bill, and on the Motion that the Bill should be committed, he should move that Mr. Coppock be called to the bar. He withdrew the Motion now on the full understanding that when he brought it forward at the proper time there would be no opposition on the part of the Government to his Motion.

Sir GEORGE GREY would appeal to the House whether the hon. and learned Gentleman was using the Government fairly in insinuating, as he had just done, that he (Sir G. Grey) had given a pledge on the part of the Government that they would accede to his Motion before they had heard the grounds for it stated. He had given no such pledge.

Mr. ROEBUCK: Then I will not withdraw my Amendment.

Sir GEORGE GREY would appeal to the House whether it could assent to the Amendment of the hon. and learned Member with a due regard to its own character, and acting in that deliberative manner to which, he thought, they were bound to adhere. What he had stated was, that if any hon. Member should think there were sufficient grounds for hearing Mr. Coppock at the bar, the proper mode of proceeding would be to give notice of a Motion to that effect, and then the House could decide whether that Motion should be granted. He asked if it was fair in the hon. and learned Member for Sheffield to insinuate that he (Sir G. Grey) had pledged the Government to accede to such a Motion before he knew the grounds on which it was made.

MR. HAYTER said, that the hon. Member for North Warwickshire (Mr. Spooner) had thrown out gentle insinuations that the Government had acted corruptly in making promises, or that some Government had made some promises; but those allegations were of too general a nature to allow him to give them what he then proposed to give them, an unqualified denial. He could only deny, so far as he was concerned, that there was any ground for any such insinuations. But the hon. and learned Member for Sheffield became more specific in his charges, and stated that Mr. Coppock was a dispenser of the places of the Government. But where in the evidence did hon. Gentlemen find anything to warrant such an assertion? So far as he (Mr. Hayter) knew, Mr. Coppock had no connexion with the Government with respect to St. Albans, except that he had happened to be present when the hon. Member for St. Albans (Mr. J. Bell) had shown him (Mr. Hayter) his address. That was all that he had had to do with him directly or indirectly. He thought the address was such a one as was consistent with the views of the hon. Member. Mr. Coppock had never in his life asked him (Mr. Hayter) a favour. It was also insinuated that some promises had been made by Mr. Coppock to Mr. Edwards, who relied on them; but he (Mr. Hayter) begged to deny in the most explicit manner, as far as he was concerned, that any promise or expectation had ever been held out by the Government with respect to the election at St. Albans.

MR. DISRAELI: Sir, I rise to suggest to the hon. and learned Member for Sheffield that he should avail himself of the proper opportunity, if the present is not considered a fair one by the Government, for pressing his Motion, which I think is a very proper Motion. I also wish to make one observation upon the charge made by the right hon. Secretary to the Treasury (Mr. Hayter) against my hon. Friend the Member for North Warwickshire (Mr. Spooner). The right hon. Gentleman says that my hon. Friend insinuated a charge against the Government. Now my hon. Friend merely read evidence. He did not state his own opinion. He simply read a portion of the evidence from the blue book of the admission on the part of Mr. Coppock that he had got places for his friends. That was the only statement made by my hon. Friend. It was a statement, not a charge. It was quite unnecessary for my hon. Friend to make a charge on such a subject. But, Sir, perhaps I may be permitted to recall the attention of the House to a certain document upon the table, of a very interesting character, and peculiarly apposite to the subject now before us. And here I may say that I am not one of those liable to the imputation of the right hon. Secretary of State, namely, that I came prepared for this discussion, as I was totally unaware that it was on the paper. What I wish to do is to call attention to a passage in the Report of the Commissioners appointed by a Tory Government to inquire into the existence of bribery at Sudbury, with reference to the election which took place at the general election of 1841, when the late Mr. Dyce Sombre was returned, although he never took his seat in this House. [An Hon. MEMBER: Oh, yes, he did.] I mean that he was unseated on petition. But I find this passage in the Report of the Commissioners appointed to make the inquiry in 1843. [The hon. Member then read an extract from the Report, to the effect that the Commissioners in the course of their inquiry found that Mr. Dyce Sombre borrowed a sum of 3,000*l.*, which was placed by the bankers, Messrs. Coutts, to a separate account; that this sum was immediately drawn out by cheque payable to bearer, and that Bernard was the name of the bearer. The money was paid in three 1,000*l.* notes, two of which were cashed in gold on the same day. The person was required to write his name upon the back, and the name given was "Samuel Moore and Company, King William Street." Samuel Moore said that the signature was not his, and was consequently a forgery. Bernard, the party who signed his name, was at the time in question a clerk in the office of Mr. Coppock, but had since been appointed to a clerkship in the Custom House.] So it appears by this Report that the late clerk in Mr. Coppock's office was the person who received the 3,000*l.*, who committed the forgery by signing the name of Moore and Company, and who ceased to be a clerk in Mr. Coppock's office to become a clerk in the Custom House. I think this passage is extremely illustrative of the occurrences that may be brought before us. It seems to me to prove that the system was going on so far back as the election of 1841, and to afford an additional reason why the Motion of the hon. and learned Member for Sheffield should be supported by the House. Whether notice is given or not, I think, after what has transpired to-night, it will not be in the power of any Minister to prevent that Motion being carried.

Mr. ROEBUCK said, he would withdraw his Amendment, and should move on the second reading of the Bill, that Mr. Coppock be called to the Bar of the House.

Amendment, by leave, *withdrawn ;* Main Question put, and *agreed to.*

Ordered—" That Sir George Grey and Mr. Attorney General do prepare and bring in the said Bill."

BURGHS (SCOTLAND).

The LORD ADVOCATE moved for leave to bring in a Bill to alter and amend certain provisions in the Laws relating to the number and election of Magistrates and Councillors in the Burghs in Scotland.

Mr. EWART begged to call the attention of the right hon. and learned Lord Advocate to a defect which existed in the present Municipal Law of Scotland. When the Municipal Corporations Bill was before the House, there were nine boroughs in the schedule which were stated to require reform, but they were omitted from the Bill on the understanding that they would be dealt with by a separate Bill; but this was never done, and there was one borough which was connected with the district he (Mr. Ewart) had the honour to represent, in which the magistrates were self-elected, and disposed of the funds of the corporation without being responsible to any constituency. It was also the case with a borough forming part of the district of Montrose. He hoped that the right hon. and learned Lord Advocate would take the opportunity afforded by this Bill to deal with this question. He would at present leave it in his hands; but if the right hon. and learned Lord did not turn his attention to the matter, he (Mr. Ewart) would bring forward a Motion on the subject.

The LORD ADVOCATE said, any communication made to him by the hon. Member would meet with his immediate attention.

Leave given; Bill *ordered* to be brought in by the Lord Advocate and Sir William Gibson Craig.

UNIVERSITIES (SCOTLAND).

The LORD ADVOCATE moved—

> " That this House will immediately resolve itself into a Committee to consider of abolishing Tests in the Universities of Scotland."

It was not his intention to make any statement at this stage of the measure, and he hoped the House would allow the Bill to be brought in. The subject having been twice fully discussed, he thought it would be best to take any further discussion on the second reading.

House in Committee.

Viscount MELGUND thought the Bill was a good one, so far as it went; but the fact was, that the law was, to all intents and purposes, obsolete at the present moment, and there were many persons holding offices in the Scotch Universities who were not members of the Church of Scotland. One very desirable point omitted in the present Bill wrs the abolition of Tests now imposed on parish schoolmasters, who were now subject to the same Tests as were now proposed to be repealed in the case of University Professors. He could not see why the Government should select only one of the classes of educators, Professors in Universities, as the objects of their legislation, and exclude from the benefits of the present measure all those who were included in the operation of the old Acts. If the Government did not take up this subject, he would endeavour, by every means in his power, to prevail on the House to abolish the laws which were a disgrace to the Statute-book.

The LORD ADVOCATE said, there was a clear distinction between the two cases mentioned by the noble Lord who had just spoken; he did not desire to mix up the two matters in the present discussion. The consideration of the question mooted by the noble Lord would be better disposed of in another Bill.

Mr. FORBES MACKENZIE was glad that the two subjects were not mixed up in the present Bill, which, as he understood it, applied only to lay professors, he should not now oppose. If the people of Scotland were prepared to let those tests be abolished, and took no steps to strengthen their hands in that House, he would not, single-handed, take upon himself to fight their battle. If, on the contrary, they detitioned against the abolition of those

Tests, they would find him ready to take up their cause.

MR. FOX MAULE said, the people of Scotland, even those belonging to the Established Church, were beginning to see the impropriety of imposing on the lay professors Tests which it was perfectly well known had been to some extent taken by people who were notoriously not of the faith which they professed. Now, nothing could possibly be so damaging to the characters of the instructors of youth as to tender to them any test which did not appear to bind, and which was not of *bonâ fide* utility, and he saw no object whatever in the Tests at present imposed. As to theological professors, he was willing that the Tests in their case should be maintained; but in regard to the instructors of youth in the dead languages and the positive sciences, he must say that the Tests had long operated to prevent the Universities from obtaining the services of the best men; and the sooner therefore they were done away with the better. He agreed with the noble Lord (Viscount Melgund) in much of what he had said as to the Tests for parochial schoolmasters; but that was a subject for another Bill and another discussion. He hoped that at present the two points would be kept separate.

MR. FORBES MACKENZIE said, that any measure brought forward to abolish Tests for parochial schoolmasters in Scotland would meet with his most uncompromising opposition.

MR. COWAN would give the Committee an instance of the absurdity of the present law regarding Tests in the University of Edinburgh. The Greek Professorship, one of the most important chairs there, being vacant, was applied for by upwards of twenty candidates, among whom were some of the most eminent men the country could produce; but out of those twenty only four were legally qualified to be inducted. It was in the power of the Town Council to prevent the induction to the chair of the most accomplished scholar. He hoped this Bill would meet with the hearty support of both sides of the House.

VISCOUNT MELGUND wished to know whether the Government intended to introduce a clause in the Education Bill which they had promised, for the repeal of the Test imposed on parochial schoolmasters; but

MR. FOX MAULE said, that when the Bill was introduced, its provisions would be explained to the House; but it was rather too much to expect that its provisions should be explained on a Motion for the introduction of another Bill.

"*Resolved*—That the Chairman be directed to move the House, that leave be given to bring in a Bill to abolish Tests in the Universities of Scotland."

House resumed.

Resolution *reported;* Bill *ordered* to be brought in by the Lord Advocate and Mr. Fox Maule.

The House adjourned at a quarter before Twelve o'clock.

HOUSE OF LORDS,

Tuesday, February 17, 1852.

MINUTES.] PUBLIC BILL.—2ª Office of Messenger to the Great Seal Abolition.

THE OATH OF SUPREMACY.

VISCOUNT CLANCARTY (EARL OF CLANCARTY, in the Peerage of Ireland), presented himself at the table, with his Writ of Summons, to be sworn. His Lordship said, that in accordance with a communication he had made to the Lord Chancellor, he now presented himself to be sworn, adding, that although he retained the objections he had expressed at different times by petition to their Lordships' House to taking the Oath of Supremacy, yet, being desirous of resuming his place in the House, as he was unable as a member of the reformed part of the Catholic Church, conscientiously to take that oath, he was ready, if legally permitted so to do, to take the oath prescribed for persons professing the Roman Catholic religion, which he considered unobjectionable.

Lord CAMPBELL, the LORD CHANCELLOR, and Lord BROUGHAM expressed their opinions that this proposal could not be entertained.

The EARL of CLANCARTY then referred to the Standing Order of the House providing that no oath should be imposed by a Bill or otherwise upon the Peers, with a penalty, in case of refusal, to lose their places and votes in Parliament, or liberty of debates therein; and stated that he was willing, although retaining objections to the oath, taken in its grammatical sense, to take and subscribe it *secundum sensum imponentis*, if he was informed authoritatively by the House what was the sense in which they imposed the oath.

Lord CAMPBELL and Lord BROUGHAM considered that the House could not give a legislative exposition of the meaning of the oath, which could only be done by a Bill in Parliament.

The DUKE of WELLINGTON inquired whether Viscount Clancarty had ever been sworn?

The EARL of CLANCARTY replied, that he had not taken the oaths in the present Parliament.

The DUKE of WELLINGTON considered, in that case, that it was most irregular, and contrary to all the rules and forms of the House, that Viscount Clancarty should be allowed to address them.

LORD CAMPBELL expressed his opinion, that all that was intended by the oath was to deny the legal power of the Pope.

The EARL of WICKLOW conceived that no Protestant Peer could take the Oath of Supremacy without a mental reservation, and stated that he knew noble Lords who had taken that oath with a mental reservation. There was no clause in this oath—as was the case in the oath of abjuration—requiring that it should be taken without any mental reservation, and therefore Peers were enabled to take it with such reservation.

The LORD CHANCELLOR expressed his opinion in accordance with that of Lord Campbell, and observed that the question was entirely one of law.

The Earl of CLANCARTY thereupon withdrew.

The following is a copy of the letter addressed by the EARL OF CLANCARTY to the Lord Chancellor:—

"Garbally, Feb. 9.

"My Lord—Having, with the Earl of Bradford, repeatedly represented, by petition to the House of Lords, that as Protestant Peers we were excluded from Parliament on account of conscientious objections to the form of the oath called 'the Oath of Supremacy,' and prayed, but without effect, to have those objections examined into with a view to their removal; I should, on merely personal grounds, be disposed to regard the silence of the House as a refusal, and be content to remain excluded from a seat in Parliament, to which I could only be admitted by affirming upon oath what I believe to be untrue; but public duty requires me, no less in vindication of the rights and privileges of the Peerage, than in obedience to the Queen's writ of summons, not to acquiesce in my exclusion from Parliament upon a ground alike unconstitutional and at variance with one of the most ancient of the standing orders of the House, still, I believe, unrepealed, to the effect 'that no oath shall be imposed, by any Bill or otherwise, upon the Peers, with a penalty in case of refusal to lose their places and votes in Parliament, or liberty of debates therein.' (See Standing Order of the House of Lords, dated 'Die Veneris, 30th Aprilis, 1675.') Having therefore determined, when presenting myself to be sworn at the table of the House, to state that I cannot conscientiously take and subscribe the oaths as at present administered to Protestant Peers, and that I therefore claim to be admitted on taking the oath prescribed for persons professing the Roman Catholic religion, which oath I consider unobjectionable, and am prepared to take, if I may legally do so, as a member of that reformed part of the Catholic Church that is by law established within this realm, I have felt that it might be convenient, as well as most respectful towards the House and to your Lordship, as Speaker, to notify to you such my intention.

"My objections to taking the oath of supremacy, more fully explained in the three publications I have the honour of transmitting to you, may be briefly stated to have arisen from its apparent inconsistency with certain provisions of two Acts of the late Parliament, viz., the Irish Charitable Bequests Act, and an Act (local) for the maintenance of certain cemeteries in the county of Dublin, the former involving a legislative acknowledgment of the establishment of a branch of the Church of Rome in Ireland, and giving, in certain cases, a legal efficacy to the exercise of the foreign ecclesiastical authority by which it is governed; and the latter expressly recognising the spiritual jurisdiction in the diocess of Dublin of a succession of archbishops in known ecclesiastical subjection to the Pope. I cannot pretend to interpret with certainty the exact legal bearing of Acts of Parliament which afford subjects of controversy among lawyers, but, assuming Parliament itself as the best interpreter of its own Acts, my belief of the inconsistency of the Bequests Act, with the denial the oath contains of all foreign ecclesiastical authority, is much confirmed by the concluding section of the Ecclesiastical Titles Assumption Act of the last Session, the most recent, and therefore the most binding exposition of the Legislature on the subject of foreign jurisdiction. The last clause of that Act contained a proviso to the effect, that nothing therein contained should 'be construed to annul, repeal, or in any way affect any provision contained in an Act passed in the 8th year of Her present Majesty, entitled 'An Act for the more effectual application of Charitable Donations and Bequests in Ireland,' thereby implying that the provisions were an exception to the general law with respect to foreign ecclesiastical jurisdiction. An oath I am aware is only binding in the sense in which it is imposed and known to be taken; but, in the absence of any exposition more authoritative, that sense is only to be gathered from the language of the oath itself. Regarding, therefore, the oath of supremacy in the sense its wording conveys, I am constrained to refuse it; but, should this objection be met by an authoritative exposition from your Lordship on the woolsack, or from the Speaker of the House for the time being, of the legal construction of the oath, or the sense in which it is to be understood as administered, I can have no doubt that then, viewing the oath *secundum sensum imponentis*, and not in the sense its wording appears to convey, I should be enabled to comply with the requirement of the law, by taking and subscribing the oaths in the usual manner.

"I purpose leaving this place on Monday next, and, should I arrive in sufficient time on the following day, shall present myself to be sworn, unless I should in the meantime hear from your Lordship anything to alter my intention; and I need hardly say, that should your Lordship's advice be afforded in the matter, it would be received with great deference and respect.—I am, &c.

" CLANCARTY.

"The Lord High Chancellor, House of Lords."

STATE OF IRELAND.

The EARL of RODEN moved, in pursuance of his notice, to put a question to the noble Marquess opposite respecting certain Returns connected with the Disturbances in the North of Ireland, and said that he would avail himself of that opportunity to call the attention of their Lordships to that important subject. He begged their Lordships to grant him their pardon for the anxiety which he felt on this question, which involved the safety of all who were near and dear to him in that part of the kingdom. He believed that the very security of their lives depended on the course which Her Majesty's Government intended to pursue. Since he had last had the honour of addressing their Lordships, he had waited for accounts from that part of Ireland in which he lived, in the hope that he should have to congratulate them on the prospect of better hopes for the future; but he was sorry to say no such prospect was reserved either for him or for their Lordships. Since the failure which had taken place at the special commission in Monaghan, there had been a great increase of spirit in the rebel conspiracy, and many threats had issued from it against some of the most useful and respectable proprietors in the north of Ireland. He had read an account, which he had received from an authority he was not at liberty to disclose, that two of the most useful men in his own immediate neighbourhood had been denounced by the Ribband conspiracy, and had received two notices, and it was quite certain that after two warnings they would suffer death if steps were not taken to protect them in the meanwhile, or if the arm of Providence were not stretched out in their behalf. He had communicated to those two gentlemen the account which he had received, and he hoped that they would take the necessary means for the preservation of their lives. The statements which he had made to their Lordships when he addressed them the other night might appear to some of them too highly coloured; but since that time there had been a meeting at Armagh of the magistrates of the counties of Louth, Down, Monaghan, and Armagh, under the respective Lords Lieutenant of those counties, with the Lord Lieutenant of the county of Armagh at their head. At that meeting those magistrates agreed to a series of resolutions, respecting the state of their counties, much stronger than anything he had said. They stated that—

> "A succession of murders, attempts to murder, assaults, burning of houses, acts of intimidation, &c., had taken place within the district, all marked with the same agrarian character, and evidently proceeding from the same secret conspiracy; that this secret association possessed the sympathy of many, and had overawed the whole of the population to such an extent that the evidence of the most atrocious murders, perpetrated in the open day, could hardly be obtained; that jurors, from whatever class impanelled, were too often either disaffected or intimidated; that the audacity of the conspirators had fearfully increased with their impunity; and that the conspiracy was rapidly extending into the neighbouring districts; and that the sympathy, and yet more the terror, of the population, was proved by facts which would come under their notice daily, and were well known to the authorities—such, for instance, as an unwillingness to render the common offices of humanity to the victim of assassination or outrage, and the levy of forced contributions for the purpose of defending agrarian criminals."

Such was the testimony which these magistrates gave to the existence of the outrages now prevailing in those districts. He informed their Lordships that they were much mistaken if they conceived that this Riband conspiracy was applied only to agrarian objects, and was not applied to political and religious objects. It was guided by a secret hand and head, and appeared first in one part and then in another part of Ireland. Such was the conspiracy, and after all that their Lordships had done at different times with the view of suppressing it, they had never been able to come to the root of it. What means ought to be taken to enforce or strengthen the law, it was not for him to say; but it was the duty of Government not merely to inquire, but also to execute, for so long as this conspiracy had sway, there never would be either peace or security in Ireland. Even now the High Sheriff of the county of Louth was obliged, for his protection, to have two policemen resident at his house; and only the other day, when he paid him (the Earl of Roden) a visit, he came attended by two policemen as the guardians of his life. Was this no hardship or punishment to individuals? and had not they who suffered it a right to look up to Government for protection against such an intolerable state of intimidation? His Lordship then referred to the murderous attacks which had been made upon Mr. Chambre and Mr. Eastwood, neither of whom had anything to do with land. The fault which the former had committed in the eyes of these conspirators was his having committed the priest Spooner to prison on a charge of having written a threatening letter; and the fault of the latter was, that he had deprived of his licence a publican at whose house one of their illegal meetings had been held on the Sabbath. He had already said that this Riband conspiracy had increased of late. It was not confined now to the counties of Louth, Armagh, and Monaghan; it was also rife in the county of Down. He would not trouble their Lordships by going into the details of the threatening letters which had been sent in that county; but he was anxious to draw their attention to a circumstance which had happened last Tuesday, and which he thought would naturally excite their indignation. The facts to which he referred were those which had already appeared in the public journals. [The noble Earl then read from an Irish journal an account of a trial which had occurred at one of the petty sessions in Ireland, where two policemen were fined 10*s*. for stopping at 10 o'clock at night a man on the highway, who, instead of having a blunderbuss in his possession, as they suspected, had only a bottle of whisky.] If these policemen erred, they erred in the right direction, and did not deserve any punishment. That decision would damp the ardour of the police, and would throw the apple of discord among the magistracy. He hoped that the Government would inquire into that case, and would take measures to enforce and strengthen the law until it was adequate to meet the outrages now so prevalent in Ireland. The assizes in Ireland would shortly take place, and he should make a point to attend them. If any cases should occur requiring the attention of their Lordships, he should bring them forward in the Motion on the general state of Ireland, of which he had already given notice. He then moved for an Address to Her Majesty, for—

"A Return of the Number of Murders, Cases of shooting at, waylaying, and other Outrages, in the Counties of Louth, Monaghan, Armagh, and Down, from the 1st of January, 1849, to the 17th of February 1852, in which Inquests or Informations were returned to the Clerks of the Crown and Peace; specifying the Crime, when committed, the Persons charged, and Proceedings against them at the Suit of the Crown, and the Result of the same: And also,

"Return of the number of Threatening Letters received by Persons in the Counties of Louth, Monaghan, Armagh, and Down, between the 1st January 1849 and the 17th February 1852, which have been sent to the Government or lodged with the Police; specifying their Date and the Persons to whom they have been addressed."

The MARQUESS of LANSDOWNE was understood to say that he had no objection to grant the return moved for by the noble Earl, who certainly had not overrated the importance of the subject; but that, with regard to any further measures of repression, the Government thought it advisable to await the termination of the forthcoming assizes in Ireland.

The EARL of WICKLOW wished to call the attention of Her Majesty's Government to a change in the law of the country which had been from time to time brought before the Legislature, but had never been carried into effect. He alluded to a measure for enabling the venue to be changed in criminal cases. It was a measure which had been recommended by the highest authorities, and he was sure that, without it, convictions could not be obtained from the juries.

The EARL of GLENGALL regretted the indisposition on the part of the Government to take efficient steps to meet the terrible emergency in which the respectable portion of the Irish people found themselves. No man had had greater experience of special commissions than he, and he traced their failure to the difficulty of procuring the necessary evidence. No doubt pains were taken to get juries of the highest respectability; but without evidence to convict, all efficient action was paralysed. Owing to the insufficiency of the evidence in this particular case coming within his own knowledge, it appeared that a man tried and found not guilty by a jury by a majority of nine to three, was again acquitted a day or two after by another jury by a majority of seven to five. The juries were composed of the most respectable persons, and no blame could be attributed to them. The question was, whether the Government were justified in sending that commission to Monaghan without sufficient evidence? Every one was satisfied that the evidence was not sufficient; and nothing could be more unfortunate than failing in a special commission. The Ribbandmen were generally known to the police, who could find them whenever they pleased at their places of resort, but could never find them with papers—they were too clever for them. The authorities knew them well, but had no power to arrest them. He (the Earl of Glengall) considered that changing the venue, introducing the Scotch jury system, or courts-martial, were of doubtful utility, for without evidence the trials were futile. He considered that the suspension of the Habeas Corpus Act was almost justifiable to meet such an atrocious system of Thuggee. By its suspension in 1848 the Government hsd saved the lives of tens of thousands, and of devastations and burnings throughout half Ireland. The suspension of the Act is a question for consideration to meet such an emergency. It was not astonishing that Ribbandmen should have increased enormously. Not only was it a very old conspiracy, having existed ever since 1798, and being founded upon the "United Irishmen" Association, but there had been an immense stimulus and impulse applied lately to the system by the agitation of tenant-right. Mr. O'Connell invented fixity of tenure to plunder the landlords; tenant-right had the same objects. The people construed it to mean that the tenant should occupy that land as an owner which he held now as tenant; it was the "stand-fast" system of the old American revolution, which was so successful. Nor was this all. The effect of the operations of the Encumbered Estates Commissioners had been to encourage the tenants in this agitation; for, with an appearance of justice, they might say that if confiscation was the order of the day, they ought to have a share, and that it was quite as fair they should have tenant-right as that persons should be enabled to purchase the land at half its value. It was certain, at all events, that a wide-spread combination existed amongst the tenants, and those who aided them, to denounce the landlords systematically as the cause of all the evils in Ireland. Nor was this confined to the ordinary agitation of the country; for even the adherents of a Government which had descended to pay journalists for the support of "law and order" had not been ashamed to hold up the owners of the soil to execration and assassination in the very same journals.

LORD LYNDHURST said, he had intended to ask that a copy of the report of the proceedings before the late special commission in the chief cases should be laid before their Lordships; but as he understood the persons acquitted were to be again indicted, and as observations on the evidence might prejudice their cases, he should not at present take that course, and should wait until the result of the second trial was known.

The EARL of RODEN was understood to ask if the Government would assent to certain returns relative to the number of recent murders in Ireland?

The MARQUESS of LANSDOWNE, on the part of the Government, assented to the Motion, at least in a modified form. The noble Marquess then said, with reference to the late special commission, that he should wish the whole of the proceedings before the commission to be laid upon the table.

LORD LYNDHURST remarked that he did not think this would be sufficient to enable their Lordships to form any judgment as to the propriety of issuing the commission, for which purpose the applications made, or the evidence sent up to the Government, should be produced.

LORD BROUGHAM said, with reference to the remarks made by the noble Earl (the Earl of Wicklow), as to the question of venue, that subject was worthy of consideration; and it should be borne in mind that in Scotland such a system as that suggested (of changing the venue in criminal cases as a matter of course where there was the least doubt of a fair trial) had existed from time immemorial—that is to say, a criminal trial could take place either in the county in which the offence was committed, or in any other. He could not, however, at all approve of another suggestion which had been made for abolishing the system of unanimity in juries. He thought such a change would be extremely dangerous.

LORD ABINGER believed the proceedings in the case of the policeman to which the noble Earl had referred, had originated under the Crime and Outrage Act, which authorised a search for weapons, so that the matter was the more unexplainable.

Motion *agreed to.*

HOSTILITIES AT LAGOS.

VISCOUNT CANNING: Seeing the Secretary of State for Foreign Affairs in his place, I beg leave to ask him whether Her Majesty's Government is prepared to lay on the table any papers explanatory of the events which have recently occurred at Lagos. Your Lordships will have seen in the public prints a copy of the official report from the Commodore of the West African Station to the Admiralty, in which he states the nature of the operations, and the great loss of life with which they were attended. It was only natural and proper that such despatches should be published at the earliest possible opportunity; but your Lordships may fairly make a claim for further information, as in the very first paragraph of the despatch printed in the newspapers, allusion is made to "the instructions of the 14th of October," and also " to the wishes of the late Secretary for Foreign Affairs as far as regards Lagos," which appear to have been the ground and guide of the recent operations. I am sure that the noble Earl will not think that I ask this question from any hostility to the progress and consummation of that great task in which we have been engaged now nearly half a century. It is on behalf of the great cause of the suppression of the slave trade that I wish these papers to be laid before Parliament early. It is too much the custom to father on the suppression of the slave trade much inconvenience and expense and loss of life which are not attributable to that cause; and we may gather even from the public prints that the disastrous loss of life which occurred off Lagos is not wholly to be assigned to our exertions for the suppression of the slave trade. Whether it was necessary for the protection of our commerce on that coast, or whether it was owing to some desire on our part to depose one Negro king and to set up another, I will not pretend to discuss, or invite the noble Earl to say; but as the noble Lord, his predecessor in office, was the protector of one black king on the Mosquito shore, I hope that his experience of the responsibility of such an office on one side of the Atlantic, has not led him to take up lightly the protection of another king on the other side. I think that it is most desirable that all papers bearing upon these transactions should be laid before Parliament, and if the noble Earl accedes to my request, I hope that he will select from the preceding papers contained in the voluminous blue books upon the Slave Trade which have been already laid before the House, any despatch which may throw light on the course which our naval officers were instructed to pursue.

Earl GRANVILLE had no objection to furnish all the information on the subject of which Her Majesty's Government were in possession. He would take care that such selections would be made from the blue books, or any other available sources, as would aid in making both the particular transaction in question and the general subject intelligible to their Lordships.

The Earl of ELLENBOROUGH said, that if any papers connected with the unfortunate affair at Lagos should be laid before the public, he should like to know whether any orders had been sent from the Admiralty to our officers on that coast not to fight on Christmas-day. His reason for asking that question was, that it appeared that the operations were commenced two days before Christmas-day, and were suddenly stopped for that day—a circumstance to which he attributed half the loss of life which subsequently occurred. If our gallant sailors were not to be permitted to fight on Christmas-day, they had better have deferred commencing their operations on the 26th; but that men in action should stop twenty-four hours for Christmas-day appeared to him quite inconceivable; and he (the Earl of Ellenborough) desired to know whether any expression of opinion to that effect, either previously or subsequently, had come from the Admiralty? The noble Earl proceeded to say, that he thought improvements might be made on board ships destined for hot climates which would greatly conduce to the comfort and health of the crews. Some time since he went on board a vessel at Plymouth which was about to sail for the coast of Africa; he desired to see the awnings, and when they were produced he was quite astonished. It was true, there were both rain-awnings and sun-awnings; but the two together would not keep out either sun or rain. He ordered the ship to be supplied with awnings—the value of which he knew from his recent Indian experience—double tent awnings, which would keep out both rain and sun; and he had received a letter from the officer in command of the vessel stating that she was the envy of the whole station; that the crew were perfectly healthy; that they had suffered neither from rain nor sun; and that they had fresh water at all times, the manner in which the awnings were placed enabling the water to be saved whenever there was rain. Other improvements he had also in contemplation, about the efficiency of which he had not the least doubt, founded as they were upon his Indian experience, with the view of obviating that dreadful oppression from which Europeans suffered in hot climates. He believed, indeed, that many of the devices adopted in India might be applied on board ships greatly to the improvement of the health of the crews.

COUNTY COURTS FURTHER EXTENSION BILL.

House in Committee (according to order).

On Clause 24,

The LORD CHANCELLOR moved the omission of words from Clause 24 which enables barristers to appear for clients without the intervention of attorneys, and the substitution of words enabling the wife, clerk, or servant, *bonâ fide*, of any suitor, to appear on his or her behalf. He wished to offer a few observations upon two points suggested by the terms in which this clause was framed—first, upon the expediency of allowing barristers to practise who were not instructed by attorneys, but who communicated with and were instructed directly by the suitors; and, next, as to the new order in the profession which seemed about to arise from attorneys associating themselves to practise as barristers, or rather as advocates instructed by other attorneys. Undoubtedly, as far as experience went, nothing had been considered, generally speaking, more detrimental to the administration of justice than the practising of barristers without being instructed by attorneys. Very few persons were found to practise in that way; but there had at all times been a few barristers who had communicated directly with their clients. He believed he might appeal to his noble and learned Friend (Lord Brougham), as he might to all the Judges, with regard to the conduct of such persons. It had never met with approbation, and had never been regarded as advancing the interests of justice. He believed the general rule which had been acted upon had conduced to the creation of that high character which the profession enjoyed. He had lately had some communications with gentlemen who had come from America, and were acquainted with the state of the profession in that country, and he had never heard any other remark from any member of the Bar in that country than this—that they were very much struck with the different manner in which business went on in this country and in America; that they found it went on here with much more order and much more satisfaction; and they ascribed this to the circumstance of the barristers in that country not being instructed by an attorney, and not forming a distinct profession. He appealed to his noble and learned Friend (Lord Brougham), with his former experience, whether he did not know that formerly it was made matter of complaint against those members who departed from the ordinary practice, and they were ungraciously looked upon. He must repeat his opinion, that under the system proposed by this Bill, the public would not enjoy the same advantages as the present distribution of duties and business produced, and that the administration of justice would be greatly prejudiced by such a course being adopted. He considered that even in the Superior Courts at Westminster the practice of counsel receiving instructions directly from their clients would be found most inconvenient, although there the Judges possessed higher authority than the County Court Judges, and commanded a respect which the gentlemen who presided in the County Courts, respectable as they were, and competent to discharge their duties, could scarcely hope to obtain. If this clause were passed, an impression would certainly be created that this irregular practice was sanctioned by the authority of their Lordships, and it would no doubt be found to increase considerably. He submitted, therefore, that it would not be expedient to make any change in this respect. Another point to which he wished to advert, was that of attorneys themselves practising as advocates; and he feared that if the House of Lords should give their sanction to this practice, it would very much increase. He conceived this to be a course attended with many inconveniences. If an attorney wished to act as an advocate, the road was open to him; and there were instances of those who, having commenced the practice of their profession as attorneys, had afterwards pursued a successful career at the Bar. But there was no reason whatever why an attorney should desert his practice, why he should quit that path which he professed to desire to pursue when admitted on the rolls of the Court. Why the attorney should resort to another attorney to act as advocate, and not to a barrister, he could not discover, and he did not believe there there was any good reason for it. He apprehended it was likely to lead to grave inconveniences. He should therefore propose, in substitution of the existing clause in the Bill, an alteration which would leave the law as it at present stood.

Lord BROUGHAM quite agreed with his noble and learned Friend that it would be a serious injury to the profession if the two functions of advocate and attorney were confounded; but it did not by any means follow that he should also agree with those who, in 1846, for the first time, introduced a statutory prohibition (9 & 10 *Vict.*, c. 95, s. 91), confined exclusively to the County Courts, preventing barristers from practising in those Courts unless they were instructed by a solicitor or attorney. Up to 1846, every barrister had the power of appearing in any Court in the kingdom, instructed by a client, without any intervention whatever of an attorney or solicitor; and the exception then introduced applied only to the County Courts. What, then, had prevented the practice from being general? The usage of the profession, professional etiquette, supported by the heads of the profession both at the Bar and on the Bench, who so discountenanced, on all occasions, the class of individuals who practised both as attorneys and barristers, that no respectable member of the profession had been known to violate the rule, by generally practising without instructions from attorneys. The County Courts Act, however, introduced a positive prohibition, and the only question was whether they should continue that prohibition or repeal it, and place the County Courts upon the same footing as all other Courts, from the highest to the lowest. He was in favour of placing the County Courts, in this respect, on the same footing as all other Courts, leaving the practice in them to be regulated by the decent and salutary professional observance which was effective everywhere else. If this prohibition had never been enacted, he believed it would not now be proposed; but it was said, that having once been enacted, its repeal would be held by the profession to give a countenance to the breach of the existing usage and general understanding. He, for one, could not think the repeal would have any such effect, accompanied as it would be by the universal desire on the part of its supporters that the matter should be left to the etiquette of the profession, but the opinion that as a general general rule there should be instructions. But some even went so far as to say that if we had to begin to legislate *de novo*, an exception ought to be made in regard to the County Courts, because they were more obscure, and the Judges of them would not have the same authority as the Judges of the Superior Courts. But it should be recollected that the professional etiquette, restraining barristers from appearing without the intervention of attorneys, was found by experience to be as little infringed in Bankruptcy Courts, Police Courts, and all other inferior Courts, as it was in the Court of Chancery, the Queen's Bench, or on the circuits; and at Manchester, where the County Courts was attended by a Bar of fifteen or sixteen members, the practice was as rigidly adhered to as it was on the Northern Circuit. His noble and learned Friend was very justly anxious to prevent the rise of a class of attorneys-advocates, receiving their instructions not directly from the client himself, but through the medium of another attorney; but any restriction that could be adopted with the view of checking such an evil must be practically nugatory, because it would be impossible to restrain an attorney who had not the qualification, or the time, perhaps, for appearing personally in Court from instructing another attorney to appear, on the understanding that they were to divide the fee between them. He had in his possession a declaration signed by 150 highly respectable members of the Bar, praying earnestly for the abolition of this prohibition with regard to their practising in the County Courts. Their object was not to be enabled to practise without the intervention of attorneys, because in not one case out of a thousand might that ever take place; but they simply wished to be protected against the malpractices of the other branch of the profession, and against the monopoly which they wished to set up for themselves. He could tell their Lordships that there was a combination on foot among the attorneys to exclude barristers from the County Courts altogether. Barristers had been warned at various places that it would be at their peril they took a brief in a County Court; and that if they did so, they should never have another brief, neither in the County Courts nor at sessions or assizes. Thus the attorneys were attempting, by combination, to dictate their own terms to the Bar, and to exclude from all these courts; and their malpractices were likely to be effectual, unless the Bar was afforded the means of protecting itself against such a combination. At a recent meeting of attorneys and solicitors, held at the Freemasons' Tavern, one of the speakers, an attorney, was reported in the *Jurist* (a work cited as of authority in the Courts) to have said, "that the attorneys had the power of excluding the Bar, and that the barristers should get nothing unless they choose to divide the guinea fee with the attorney." Now the 150 gentlemen whose cause he represented had no desire at present to infringe the rule of the profession, but only wished to be protected against such processes as these. Among these 150 petitioners were a serjeant-at-law, two recorders, double first-class men at Oxford, several wranglers at Cambridge, five fellows of colleges, an ex-colonial chief judge, and twenty authors of esteemed works on legal subjects. He mentioned this to show the respectability of the class of individuals who had signed the declaration he had referred to. There were from 90 to 100 others, amongst whom were seven Queen's Counsel, twenty gentlemen behind the bar, but in full practice, several gentlemen connected with law reports, and others of a similar standing, all of whom had declined to sign their names to a document which it was intended to make public with the signatures attached; and he believed their reason for declining it was an exceedingly justifiable one, for he knew well what the effect might have been on not a few, respectable as they were in standing—respectable in character he ventured to say they were all—but respectable in their standing in the profession, and in the amount of business which they now obtained. They had not chosen to sign their names, but he had been furnished with a copy of them. But all these persons in these different classes were strongly of opinion that the rule should be left to the etiquette of the profession, which was flexible, and liable to exception; not from a wish that it should be bent if it was not absolutely necessary, but that, if it should become absolutely necessary for purposes of self-defence, then they should be able to bend it. And the mere knowledge on the part of the wrong-doers that barristers were furnished with such a means of defence, and could practise in the County Courts without an attorney, their Lordships might trust him, would be most effectual to preclude the necessity of their almost ever having recourse to such a remedy. Not only were the gentlemen—between 200 and 300 in number—that he had mentioned in favour of this proposition; but it was supported by the Gentleman at the head of the Bar at this moment, his hon. and learned Friend the Attorney General, who had distinctly stated in the other House of Parliament that his opinion went to the full length of their prayer to their Lordships for protection. And not only the Attorney General, but he might mention also that a noble and learned Friend of his, whom ill health rendered unable to attend in his place in that House, and one who commanded the highest respect of all, both in the profession and out of it, the late Lord Chief Justice (Lord Denman)—in a letter to him that morning, not written in answer to one from himself on the same subject, strongly urged him (Lord Brougham) to persevere in his intention; and expressed his hope that the prohibition would be left to the professional etiquette, uninterfered with by statutory enactment. When he (Lord Brougham) reminded their Lordships that of the 80,000 suits brought in the year 1849, hardly as many as 2,000 came to trial, to a verdict, and a judgment; and that in the County Courts 6,000 cases a year were tried from 20*l.* to 50*l.* in amount; he thought they would agree with him that it was cruel, in this state of the law business of the country, that this branch of the profession should be excluded, as they now were, from the County Courts. He would leave the subject in their Lordships' hands, confident that they would do justice to the parties whom he represented, and simply reminding them that although this clause had been struck out of the Bill before it was passed by their Lordships, yet it was restored in the other House of Parliament almost by acclamation.

Lord CAMPBELL said, this was a subject in which the public had such a deep interest that he must trouble their Lordships with a few observations. The due administration of justice, he believed, greatly depended on keeping distinct the profession of an attorney and the profession of a barrister or an advocate; and there would be great danger of that distinction being obliterated if they allowed attorneys to practise in the County Courts who had been instructed by other attorneys. That would be a great encroachment on the privileges of the Bar, and he was sure it would be extremely detrimental to the administration of justice. At the same time he thought it highly necessary and expedient to restrain barristers from practising in the County Courts unless they had been instructed by attorneys; and it was his firm conviction, after much reflection, that if this prohibition were not continued, there would be constituted all over the country a class of persons calling themselves barristers who would practise merely as attorneys, and who would get up the suit from the very beginning, and would conduct it all through, and who would not in any degre be subject to the control of the Courts at Westminster or of the County Court Judges. It was very important that those who conducted suits should be under the superintendence of the Judges, because it was most essential, if there was any malpractice with regard to costs, or the mode of executing judgment, or any other point, that the person who acted as attorney should be liable, on a summary application, to punishment for his misconduct; and this could not be the case if the party performed the functions of a barrister, because he could only be reached by application to the Inn of Court to which he belonged. That was the reason why the 91st section was introduced into the County Courts Act in 1846 for the first time; and if it had not been introduced before, he thought it would have been most politic to introduce it now. It had worked most beneficially; and if it were now to be withdrawn, he was sure the most mischievous consequences would ensue, because it would go forth that this and the other House of Parliament were of opinion that there should be no distinction between a barrister and an attorney, and not only that barristers and attorneys, but that all who chose to come forward, should be allowed to conduct cases. It was true that the prohibition was not necessary for the gentlemen who had signed the declaration that had been entrusted to his noble and learned Friend opposite (Lord Brougham); but the noble Lord must be aware that in their profession, as well as in every other, there were always certain unscrupulous and unprincipled members, and it was to control the conduct of such persons that the restriction was demanded. His noble and learned Friend had referred, he thought rather indiscreetly, to the opinion of a very eminent member of the profession, the Attorney General; for that hon. and learned Gentleman had taken a most sanguine and zealous view of what ought to be done for the benefit of his own order. Now, he (Lord Campbell) looked to the benefit of the public; but the Attorney General had proposed that in all causes over 20*l.* barristers should have pre-audience in the County Courts, the consequence of which would be that the client would require to employ two agents, a barrister and an attorney. He (Lord Campbell) considered that there ought to be no necessity for employing a barrister, or more than one agent, and that the wife, or a clerk, or any one selected by the suitor, might appear; so that it should not even be necessary to employ an attorney—so anxious was he that there should be full freedom and facility for the public in seeking for justice through the instrumentality of the County Courts.

The LORD CHANCELLOR said, it appeared that his noble and learned Friend (Lord Brougham) had a paper signed by 150 persons, having a bearing on this subject; and that he had the names of some 100 other persons who had refused to sign it. Now he should have thought that the signatures of the first 150 would have been a sufficient guarantee to the other 100, if they were really in favour of the declaration; and he, therefore, could not understand why they had refused to sign it, if they so highly approved of it. His own communication with the profession led him to a conclusion exactly the reverse of that come to by the noble and learned Lord (Lord Brougham); for he believed the Bar were by no means desirous of the protection which it was sought to afford them. What was the noble Lord's argument? That the attorneys had entered into a combination not to employ barristers at sessions, assizes, or elsewhere, who thought fit to appear in a County Court. It was wished to protect the Bar against that combination. How? Why, by allowing them to appear in the County Courts without being instructed by an attorney; that was, to place themselves in a position to be the direct objects of that combination. When their Lordships heard the number of causes tried in the County Courts, and if they had the means of abstracting from that number the portion of them in which counsel would be employed, not through an attorney, but directly by the client, he should wonder what sort of a Bar would be found attending the County Courts, and what kind of fortunes they would make. They could not go on circuit, because their Lordships were aware how the County Court Judges travelled through the counties. If the etiquette of the profession had hitherto been sufficient to prevent barristers practising without the intervention of attorneys, and to a great extent it had been sufficient, the barristers would still be influenced by that etiquette, notwithstanding any enactment that might be made on the subject. But if, indeed, his noble and learned Friend supposed that after the passing of that Bill, barristers would attend the County

Courts, and act on their own account, without regard to the etiquette of their profession, then he (the Lord Chancellor) believed the result would be greatly to deteriorate the administration of justice, and to lower the dignity and respectability of the Bar. He apprehended that up to the present moment nobody had doubted the great importance of preventing the barrister from having direct communications with his client. No rule had been more inflexibly observed, and exceptions to it were only permitted in rare and important cases; for instance, where witnesses had to be examined on scientific matters. But the general rule, which it was of the last importance to preserve, was, that a barrister should never communicate with his client or with witnesses; and one of the most essential duties of an attorney consisted in the examination of witnesses to find out what they knew, and to ascertain how far the evidence would go to establish the main points of the case. But if you admitted barristers to communicate with clients, you could not prevent them from communicating with witnesses; and if a system of that kind were once established, infinite mischief would be done to the Bar, and he believed to the administration of justice also. He hoped it would not go forth as the opinion of Lord Brougham that it was not fit to prevent a barrister from communicating with parties without the intervention of an attorney.

LORD BROUGHAM: It is also the opinion of Lord Denman and Lord Lyndhurst.

The LORD CHANCELLOR: Then, if that principle, dignified by the approbation of those noble and learned persons, should once be recognised by law, a class of men would spring up in connection with the County Courts, who would attend public-houses, picking up causes, finding out defences in cases where no one would ever dream of a defence, and devising means of establishing claims which could never enter into an honest man's head. Such a class of men would not be subject to that restraint and discipline which prevailed where the Judge had more authority. He (the Lord Chancellor) feared that if that Bill should pass in its present shape, it would, notwithstanding the etiquette, prevail to a considerable extent, and that barristers would be found to act without the intervention of attorneys.

LORD BROUGHAM said, that his noble and learned Friend seemed to think that he (Lord Brougham) was an advocate for barristers going into court without an attorney. Now he did not maintain anything of the kind, and he did not wish it to go forth that he or either of his noble and learned Friends whom he had mentioned were of that opinion. What they said was this—not that barristers ought to go into court without an attorney—not that they would do so—on the contrary, he thought that they ought not, and he believed, moreover, that they would not do so, but what he maintained was, that barristers ought to have protection afforded to them against a gross and crying abuse, and that they should not be prevented by positive law from acting without an attorney in order that they might have the means of defending themselves in case of a combination being formed against them. His noble Friend called this a provision for doing away with attorneys. But surely it was a different thing for a person to have arms in his house for the purpose of defending himself in case of attack, and using those arms to commit murder and robbery upon the whole parish. What he wished to point their Lordships' attention to, however, was this—Was it to be supposed that the hundreds of respectable men who were subjected to those combinations to which he had alluded, would quietly lie down and die; or was it not more likely that they would reconsider the etiquette of the profession a little? Etiquette was more or less a matter of feeling, nay, of fancy; and if they were driven to it, with the simple authority of their own judgment on their own case, they would be exceedingly likely when they found themselves shut out by the state of the law from all participation in these great and increasing branches of professional business, to reconsider that etiquette which alone prevented them in other courts, and to attempt to drive the Legislature (which he ventured to predict the Legislature would not do) to apply to all other courts that which, in an evil hour, they had inconsiderately applied to the County Courts, and to them alone. The consequence would be the universal practice of barristers acting without attorneys, except in these County Courts.

Amendment made; other Amendments made.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, February 17, 1852.

MINUTES.] PUBLIC BILLS.—1° Parliamentary Representation (Ireland); Parliamentary Representation (Scotland); Law of Evidence (Scotland).

ARMY ALLOWANCES.

COLONEL CHATTERTON begged to ask the right hon. Gentleman the Secretary of War if he intends to recommend the discontinuance of the deductions to which officers of the cavalry are subject in paying for the forage of their regimental charges, kept for the public service, whilst other mounted officers in the service receive an allowance for that purpose: also, if he has directed his attention to the justice and expediency of granting to officers in command of cavalry regiments the allowance called "command money," which the officers commanding infantry regiments receive; also, if the right hon. Gentleman has directed his attention, or intends to direct his attention, to the expediency of recommending to Her Majesty to grant to the sergeants of the Army a continuance of that "pay for good conduct" which they enjoyed as privates and corporals, but were compelled to resign upon promotion to the rank of sergeant; also, if he intends to recommend an increase of the allowance of 2,000*l.* per annum to sergeants of the Army as a gratuity for good conduct whilst serving; and also, if he intends to recommend an increase of the Vote of last year of 2,000*l.* per annum granted as a reward to deserving non-commissioned officers and privates of the Army on discharge?

MR. VERNON SMITH said, that the questions that had been put by the hon. and gallant Member would perhaps have been better put on the discussion on the Army Estimates; but he would endeavour to answer them as briefly as possible. With regard to the first question which had been put to him by the hon. and gallant Member, he begged to say that, being but a short time in office, his attention had not as yet been directed to the matter to which it referred. With regard to the second question, he could assure the hon. and gallant Gentleman, that it was his intention to direct his attention to all questions affecting the comforts and interest of the Army; and that in zeal for the service he hoped he should not be found inferior to any gallant officer who, in the double capacity of an officer in the Army and a representative of the people, felt bound to attend to the interests of the Army. As to questions in relation to different rates of pay in the two branches of the Army, it was almost impossible to enter into them without entering also into the details of the different regimental papers. The regulations to which the questions of the hon. and gallant Member had reference, were of ancient standing, and he could not take upon himself to alter, on his first entrance into office, a practice that had received the sanction of so many of his predecessors. With regard to the continuance of the good-conduct pay to individuals who were appointed sergeants, the hon. and gallant Member must know when a soldier attained the rank of sergeant it was considered to be a reward for good conduct, and therefore that from that period the good-conduct pay should cease. If the hon. and gallant Member could persuade the House that it was desirable to continue that pay to the sergeants, no person would be more willing to agree to it than he (Mr. V. Smith); but it would entail a great expense upon them, because almost every sergeant in the service would be entitled to the good-conduct pay. The hon. and gallant Member knew that the pay of a sergeant was higher than the ordinary pay received by him before his appointment, and that, therefore, as a sergeant, he received as much as he had previously received, including the good-conduct pay. This answer would also apply to the subsequent question of the hon. and gallant Member. There was a vote of 2,000*l.* taken for gratuities to the men. That had been done ever since the right hon. Gentleman the Member for South Wiltshire (Mr. S. Herbert) was Secretary at War, and he (Mr. V. Smith) was not prepared this year to alter or increase the amount. If the hon. and gallant Gentleman could induce the House to increase the sum, there were many instances in which it could be made available, and he thought there was no proposition in which the country would more perfectly agree.

THE CABOOL DESPATCHES.

SIR HENRY WILLOUGHBY: Sir, to make intelligible the question I am about to put to the right hon. Gentleman the President of the Board of Control, I must state the fact that a gentleman of great ability (Mr. Kay) has written a work on the war in Cabool, and in that work it is stated, in the strongest language, that the despatches of Sir Alexander Burnes were garbled and emasculated by the State anatomists—that the pith and marrow of the despatches were taken out of them—that lie upon lie was palmed upon the world, and that the characters of Dost Mahomed and Sir Alexander Burnes were lied away. He gives various extracts from the despatches of Sir Alexander Burnes, dated 26th January, 1838, which portions, if genuine, are not to be found in the despatches laid before Parliament on the 26th of March, 1839; and the question I have to ask of the right hon. Gentleman is, whether he will place on the table of the House copies of the entire despatches of Sir Alexander Burnes to William Henry Macnaghten, Esq., the secretary to the Governor General of India, from the 4th of October, 1837, to the 30th of April, 1838?

Mr. FOX MAULE: Sir, in reply to the question of the hon. Gentleman, I can only state that I have looked into the subject to which his notice refers; and I must remind him, in the first instance, that those papers which were presented to the House of Commons to which he alludes, never pretended to be the entire despatches to which he has referred. They were laid upon the table of the House as the extracts which, at that time, it appeared to my noble Friend then at the head of the Board of Control, would be sufficient to inform the House of Commons with reference to the policy pursued in regard to Cabool, without producing papers which then would have been inconvenient for the public service. The House will, perhaps, recollect that this question has been twice discussed with reference to those despatches. The last discussion that took place was a full one, in 1842, on which occasion my noble Friend (Lord Broughton) justified himself and the Government of the day for not producing any more of those despatches. In reply to the direct question of my hon. Friend, I may state that it is not my intention to lay those despatches now, *in extenso*, before the House. I do not see why, by doing so, we should bring under discussion again the policy and conduct of the Affghanistan war and its misfortunes—questions that have altogether become matters of history—and I hope the House will not ask me to do so.

EXTENSION OF BRITISH JURISDICTION IN SOUTH AFRICA.

Mr. ADDERLEY: I beg to ask the hon. Gentleman the Under Secretary for the Colonies, whether the Government have in preparation the Bill for the extension of British Jurisdiction in South Africa to the Equator, which Earl Grey stated his intention to introduce this Session, in a despatch to Sir Harry Smith given in the papers, on the assumption of the Orange territory, presented to the House on the 19th of May last.

Mr. PEEL: In the year 1836 an Act of Parliament was passed bringing British subjects in territories adjacent to the Colony of the Cape, and south of the 25th degree of south latitude, under the jurisdiction of criminal laws and courts of the colony of the Cape. The object of that Act was to protect the natives against the outrages and violence of any of the British subjects. That Act was, I believe, found to be of considerable service in checking outrages; but a difficulty arose with respect to assigning limitations, and fixing upon the exact latitude of the spot where a crime was committed; and a recommendation was made, with a view of removing that objection, to do away with the limitation of the degree, and, at all events, to extend the jurisdiction of the courts of the colony as far as the Equator; and Earl Grey did announce to Sir Harry Smith that it was his intention to bring in a Bill, and to act upon that recommendation. If matters had proceeded in conformity with that recommendation, a Bill would have been introduced last Session; but, seeing the state of affairs on the eastern frontier of the colony, it was not thought advisable to proceed with that measure; and as the war still continues on the eastern frontier of the Cape, no step has been taken for the preparation of such a measure as that to which the hon. Gentleman refers.

SAVINGS BANKS.

Mr. H. HERBERT said, that in rising to propose the Resolution of which he had given notice, relative to the neglect of Her Majesty's Government in not introducing any measure for the regulation of Savings Banks, he felt that some apology was due to the House. It might be fairly said, that, considering the immense importance of the subject, and the interests it involved, it was one which should have been brought before the House by a more experienced Member than himself; but if the House would bear with him while he stated very shortly the position of this question as regarded the country and the House, he thought they would acquit him of any undue presumption in bringing it under their consideration. In 1848, after every expedient for postponement and evasion that Parliamentary experience could suggest had been exhausted by the right hon. Gentleman the Chancellor of the Exchequer, he (Mr. H. Herbert) was fortunate enough to procure the nomination of a Committee to inquire into certain failures in local Savings Banks; but that Committee was so long delayed, that it was not until a late period of the Session that it could meet; and after sitting for a short time they made a Report, on the Motion of the Chancellor of the Exchequer himself, which concluded in these terms:—

> "Your Committee have proceeded with the inquiry intrusted to them by the House; but, owing to the late period of the Session, they found themselves unable to bring it to a satisfactory conclusion, and they are of opinion that it is advisable that a further inquiry should take place either during the recess or in the next Session of Parliament into the existing system of savings banks. They are of opinion, however, that it is expedient that a Bill should be introduced in the present Session of Parliament regulating the liability of trustees of savings banks."

A Bill was introduced on the 29th of August, and passed in a modified shape. In 1849 the hon. Member for the city of Dublin (Mr. Reynolds) moved the reappointment of the Committee. That proposition was met by the Government with a direct and positive refusal; and, had it not been for the sense of justice inherent in the House which put the Government twice in the minority, the inquiry would not have been brought to a conclusion. Before 1850 events occurred which rendered it impossible for the Government to avoid taking some steps; and on the first night of the Session of 1850 the right hon. Chancellor of the Exchequer gave notice of his intention to move in the matter. In answer to a question from the hon. Member for Peeblesshire (Mr. F. Mackenzie), the noble Lord at the head of the Government represented the subject (which was fixed for a Tuesday) as being of such vital importance that he could not consent to one hour's delay. Owing to the indisposition of the Chancellor of the Exchequer, the progress of the Bill was delayed till the 29th of April, when a discussion took place; but there was no objection to the Bill except on two points, and that related to the reduction of interest. From that day to this, notwithstanding the declarations of the right hon. Gentleman, notwithstanding the Report of the Committee, then reappointed on his own nomination, the right hon. Gentleman had never brought forward any measure on the subject. The Committee of 1850 reported in these terms:—

> "Your Committee have observed with much satisfaction that the Chancellor of the Exchequer has introduced a Savings-bank Bill which is calculated to remedy several important defects in the existing law, and extends the responsibility of Her Majesty's Government to the depositors, and they therefore abstain from all observations on this part of the subject, further than to state the conviction which this inquiry has forced upon them, of the urgent necessity for further legislation if these institutions (which have acquired of late years an extent and importance so little anticipated by the original founders of savings banks) are to preserve their hold on the confidence of the country, or produce the beneficial results expected from them, in encouraging and rewarding the industry and self-denial of the working classes."

To that Report the right hon. Gentleman had acceded, but from that period no attempt had been made at legislation. He (Mr. H. Herbert), therefore, under these circumstances, thought he had made out a case for asking the House to concur in his Resolution. With the permission of the House he would advert to the actual position of the Savings Banks. If any one were to ask what was a savings bank; the answer would be, an institution for the benefit of the working classes, under an efficient Government control. Either that should be the answer, or that those institutions were private and charitable institutions, not controlled by the Government, but in which parties investing had such security that it was impossible to incur loss. How far did either description hold good? It was not much above fifty years since those institutions were introduced. The first of them were set on foot about the year 1799, he believed, at Wendover; others were founded at Tottenham and Bath. The whole responsibility then rested on the parties who established the banks. It was not till 1817 that legislative interference took place. At that time there were only seventy such banks in England, four in Wales, and four in Ireland; but in 1844 a complete change of system in those banks was introduced by one single clause of an Act of Parliament. Up to that time trustees had been liable for any loss that might accrue; but in 1844 a Bill was introduced which subsequently became law, and which contained a clause absolving trustees from all liability. The clause enacted that no trustees or managers of any savings bank should be liable to make good any deficiency that might thereafter occur, unless they had declared by writing under their hands, deposited with the Commissioners of the National Debt, that they were willing to be so answerable. Could it be believed that, although that Act contemplated at the same time that such trustees should take on themselves a limited liability, it was given in evidence in 1848 that in only two banks in the kingdom — Ashby-de-la-Zouch and Tunbridge — had the trustees complied with the Act of Parliament in that respect? He would ask how those trustees had acted who had been absolved from all responsibility? There were, no doubt, many exceptions, and in many cases the trustees properly performed their duty; but he might cite the right hon. Chancellor of the Exchequer himself as a witness of the fact that it was exceedingly difficult to obtain regular attention on the part of the trustees to the business of the bank. On the 29th of April, 1850, the right hon. Gentleman stated that—

> "With regard to all persons who had taken part in the management of the affairs of those institutions, that however active and energetic might have been the zeal of individuals in forming the establishment, it was exceedingly difficult to insure their regular attention to its concerns for any length of time. Without being disposed to attribute blame to individual trustees for the management of savings banks—for, if he were to do that, he believed he should himself come in for a fair share of it—he was afraid that, with some exceptions, the general practice was, that no very regular attendance was given, and that the affairs of the bank were left very much to the management of the secretary, treasurer, clerk, or by whatever other name the person left in charge was called, and that salutary check was not exercised by the trustees or the manager which was perfectly indispensable to the proper management of the establishment. * * * Even in some establishments which had the reputation of being by no means ill managed, he had reason to believe that the trustees had been in the habit of signing blank forms, and even checks, to be filled up by the acting manager, at his sole discretion; and, in point of fact, the check exercised according to the existing practice was much more nominal than real." [3 *Hansard*, cx. 895.]

So that it would appear that the parties who had the management of the savings of the industrious depositors in savings banks were as uncontrolled in that management as if they were disposing of their own private money; so that a body of irresponsible men were intrusted with the deposits of the industrious classes of this country. How long would any Member leave his money in a private bank, of which it was not only stated that the proprietors of the bank never overlooked the business of it, but that a special Act of Parliament had been passed to absolve them from all responsibility? With regard to the administration of the law in reference to savings banks, his opinion was, until that administration was taken away from the irresponsible parties who now exercised it, a long time must elapse before any efficient change in the system would be effected. There was a gentleman who rejoiced in the name of Tidd Pratt; a gentleman of very great power. The Chancellor of the Exchequer had said that that gentleman was not a Government officer, but was appointed by Act of Parliament to be the Barrister for carrying out the provisions of that Act, and for settling disputes arising under the Act. And why was this gentleman not accounted a Government officer? Because, said the right hon. Chancellor of the Exchequer, he was paid by fees, and not by salary. But Mr. Tidd Pratt, in his cross-examination before the Committee of 1848, admitted that he had an office in the National Debt Office; that he was consulted by the Government previous to any legislation on the subject taking place, and that without any extra pay; and that he was referred to on all occasions by the Chancellor of the Exchequer on matters connected with these savings banks. And when he was asked whether he had ever heard of any professional gentleman who gave advice and assistance free of any extra pay who did not consider himself regularly appointed by the Government, he stated that he did not know. Was that an answer with which the country would be satisfied? Was it not an unworthy quibble to say that a person in such a position was not a public officer, and responsible as such? How had Mr. Tidd Pratt acted on several occasions? Why, in a manner that had entailed not only great loss on the unfortunate depositors in savings banks, but also on the country. In 1831 a serious deficiency occurred in Cuffe-street Savings Bank, Dublin; the trustees were anxious to wind up the affairs of the bank, but Mr. Tidd Pratt, who went over to Dublin to investigate those affairs, advised them to keep it open. They did so, and for seventeen years after Mr. Tidd Pratt's visit to Dublin was the Cuffe-street Savings Bank continued, notwithstanding that the annual return of the trustees to the National

Debt Office showed a progressive embarrassment. The result was, that eventually, in 1848, the bank failed, in consequence of a deficiency in its funds, to the amount of 64,689*l.* It would be in the recollection of the House that in the Session before last the Chancellor of the Exchequer proposed a vote of public money to remunerate the depositors in that bank for the loss they had sustained, and which loss he (Mr. H. Herbert) contended was attributable to the advice given by a public officer to the trustees seventeen years previously, to keep open the bank; and thus granting money for the relief of persons into whose case he refused any inquiry. He would mention another case. In the county of Kerry a savings bank failed in 1848. Mr. Tidd Pratt came there to arrange the affairs of the bank, and he made an award against the trustees appointed previously to the year 1844 (when the Act exonerating trustees from all responsibility was passed) for all deposits made previous to that date. Many of the depositors, acting upon this award, sued the trustees; but on the trial the award was set aside as grossly illegal by the Judges. He mentioned this fact on a former occasion, when the right hon. Chancellor of the Exchequer thought it fit to say that the trial took place before an Irish Judge and an Irish jury; and he also stated that the awards were set aside on mere technical and legal grounds, in consequence of some informality of the notices. He (Mr. H. Herbert), with all courtesy and respect, would give that assertion the most unqualified contradiction. Lord Chief Justice Blackburne, in giving the decision of the Court, said—

> "This determination I should have regretted if I had found that in fact the arbitrator had gone through the due course of inquiry, by the result of which alone he could have been warranted in awarding that this defendant was indebted to the plaintiff and the other depositors in the whole amount of their deposits. But, as far as I can judge, this conclusion was arrived at as the consequence of a very large deficiency of the back funds, without inquiry into the causes of the deficiency, without ascertaining to whose misconduct it was attributable, and without taking the accounts necessary to establish the right of the plaintiff to be paid twenty shillings in the pound by the defendant as his personal debtor."

He (Mr. Herbert) believed that on numerous other occasions that gentleman had acted in such a way as to injure the persons depositing money in savings banks. It appeared to him that Mr. Tidd Pratt had been guilty of something very like a breach of privilege, if he might use such an expression, in reference to one of those banks. In 1848, shortly after the failure of the Rochdale Savings Bank, that of St. Helens also failed, and Mr. Tidd Pratt was called in on the 27th of April, 1850, to give his advice as to the course to be pursued by the trustees.

> "Mr. Coupe asked the opinion of the learned Gentleman as to a new bank, for public confidence had gone in the old one. It would be a calamitous matter if there was not another savings bank, but established upon a safe principle, in which people could deposit their money without fee. Perhaps Mr. Tidd Pratt could give some information. Mr. Pratt said there was a new Bill now before Government, and it was only the business of the House of Commons that had prevented its being brought on. It was all ready, and he had no hesitation in saying that the provisions in it were such as would entirely prevent any occurrence of frauds of the kind perpetrated in St. Helens, or of any kind whatsoever, provided the depositor paid his money at the office, and during the office hours in which the bank was open; and, therefore, he hoped that until this Bill became law—and he apprehended the time would not be long before it was—the gentlemen of the neighbourhood would, among themselves, form an institution to go on until the new provisions came into force. And, as he said before, he hoped the Bill would be such that no fraud could occur under its provisions, or, if there did, no depositor could lose a halfpenny. Mr. Coupe: Do you expect passing this soon? Mr. Pratt: Not a doubt about it; the Bill is not only written, but it is printed, and all the provisions are such as will prevent any fraud of this kind."

He would ask the House whether, if upon this advice a bank had been formed, money had been deposited, and a failure had taken place, the depositors would not have had a strong moral claim upon the Government for compensation? The Chancellor of the Exchequer denied his responsibility for the acts of Mr. Tidd Pratt; but was such an individual to go about the country speaking with the authority of a Government officer, and inducing persons to deposit their money in these savings banks, and then for the Government to say that neither Mr. Tidd Pratt nor the Government was responsible? There had been failures in savings banks in many places—in Rochdale, Brighton, Hull, Scarborough, Aylesbury, St. Helens, Dublin, Tralee, and in some of those cases the loss had been made good by the trustees, but in others ruinous loss to the depositors had occurred. He (Mr. H. Herbert) had been an eye-witness to the disastrous consequences resulting in many instances from those losses. He had for four years waited patiently for the Government to take some step in the matter; but the right hon. Gentleman the Chancellor of the Exchequer not having given his attention to it, he (Mr. H. Herbert) felt it no longer consistent with his duty to remain silent. If none of the statements he had made could be contradicted, he thought he had made out a case to justify the House to interfere by giving expression to an opinion on the subject, with a view to induce the right hon. Gentleman to discharge those duties which, he was sorry to say, the right hon. Gentleman had not hitherto performed.

Motion made, and Question proposed—

> "That this House has observed with regret the continued neglect of Her Majesty's Government to fulfil their promise of introducing a Bill for the regulation of Savings Banks, by which those important institutions may be enabled to preserve their hold on the confidence of the Country, and a due encouragement be thus given to the industry and providence of the working classes."

The CHANCELLOR OF THE EXCHEQUER said, his hon. Friend had introduced into his speech a number of topics not very closely connected with the Motion which stood in his name on the notice paper. He (the Chancellor of the Exchequer) would, however, attempt very shortly to dispose of one or two of those extraneous matters. First of all, with regard to his remarks on the personal character and responsibility of Mr. Tidd Pratt. Mr. Tidd Pratt was not a Government officer, because he was appointed under an Act of Parliament; nor was he under the control of the Government. He was named as the person whom depositors or trustees of savings banks might call in if they thought fit; but unless they called him in, he had no right whatever to interfere in their affairs; and it was not in his (the Chancellor of the Exchequer's) power to send Mr. Tidd Pratt to make any inquiry into the state of savings banks, unless that gentleman was requested by the trustees or depositors so to do, or to arbitrate with respect to any dispute between them. Therefore, when his hon. Friend said Mr. Tidd Pratt was a Government officer, he must have known, from his experience in the Committee which sat on savings banks, that such was not the case. With regard to the Dublin case, he would go no further into that question at present than to state that when Mr. Tidd Pratt was sent over in 1831 to inquire into the state of the bank, he was utterly deceived by those whose duty it was to give him information on the subject. He gave certain advice on a certain representation of facts made to him by the trustees; and if that advice had been followed, much of the mischief which afterwards occurred would have been prevented. But that advice not having been followed, he confessed he did not think Mr. Tidd Pratt could be justly charged with the result of the proceedings which afterwards occurred, and which he (the Chancellor of the Exchequer) as sincerely regretted as the hon. Member himself; in proof of which he had felt it his duty to repair, in some measure, the distress which had ensued, by a vote of money. His hon. Friend had in a courteous manner contradicted a statement made by him (the Chancellor of the Exchequer) a year ago. He hoped his hon. Friend would acquit him of any want of courtesy in repeating the statement which he (the Chancellor of the Exchequer) formerly made, namely, that the decision of the Court of Queen's Bench in Ireland was upon a point of form, and that the extract which his hon. Friend had read from the judgment of Chief Justice Blackburne formed no part of the judgment of the case, but was merely an opinion given by the Judge in the course of his judgment. When he (the Chancellor of the Exchequer) first made that statement, he was not in possession of the judgment of the Lord Chief Justice; but he would undertake to say, if the hon. Gentleman would submit the decision to any legal friend on his own side of the House, that friend would confirm the statement he (the Chancellor of the Exchequer) now made, namely, that that decision turned simply on a point of form — the notices not having been affixed at the proper time and in the proper places. He, however, considered the case of Mr. Tidd Pratt to be altogether irrelevant to the question which was really before the House. The real question was as to the remedy to be applied with regard to savings banks. He did not see how he could have acted more speedily on the Report of the Committee of 1848, which was laid on the table of the House on the 24th of August, than by introducing a Bill founded on the Report on the 25th of August, the day following. The Bill in its original state was applicable to the United Kingdom; but in consequence of the opposition with which it was met in that House, its operation was limited to Ireland. It did not propose to place the entire control of the savings banks in the hands of the Government. All that the Government could do in such a matter was to provide that when the money was paid into the hands of the Government Commissioners by the trustees, under the provisions of the Act, the Government would be responsible for it; though there was a notion, which prevailed to a considerable extent, that the Government was responsible for all the sums invested, which the hon. Gentleman very well knew they could not be. The great question of responsibility was raised at the time when he had proposed to appoint a treasurer, and what was asked seemed to be this—that the uncontrolled appointment of all officers of savings banks should be left to the trustees and managers, and that all the responsibility of loss should be left to the Government. Now, he was willing to accept Government responsibility so far as Government were allowed to appoint officers; but he had been told, that if he persisted in asking for the appointment of such officers, the trustees and guardians would resign, and that the country would lose the benefit of savings banks. With such a threat he did not venture to press such a provision upon the House, as by so doing he should not have promoted the interest of those classes of the population for whose benefit these establishments were instituted. He had introduced a Bill in 1850, but was prevented from going on with it by the great press of other public business. He was perfectly ready with a Bill in 1851; but he had not thought fit to bring it on when there was no chance of carrying it, as the management of savings banks formed a subject on which the House should not attempt to legislate, unless they had a fair chance of passing the Bill; and hon. Gentlemen would remember how many measures Government were obliged to give up last Session in consequence of the pressure of business at the close. Hon. Members must not suppose, however, he had been negligent of the question in the interval; on the contrary, he had devoted much time and pains to the subject. A new Comptroller of the National Debt Office had been appointed, who had also devoted himself with great diligence to the examining the state of the savings banks, and a great number of additional facts and a large amount of useful information had been obtained by inquiries addressed to local managers, trustees, and gentlemen connected with savings banks, which would have an important bearing upon any measure that might be introduced on the subject. He might, certainly, have given notice of his intention to bring in a Bill at the beginning of the Session; but he thought it desirable to have an opportunity of consulting with many hon. Members who were familiar with the savings-bank question and the state of local banks; and since the meeting of Parliament he had communicated to a considerable extent with them, and had made alterations in the Bill which he proposed to introduce in the present Session of Parliament. It was not very easy to do this, when Gentlemen were all scattered in the country. Considering how necessary those inquiries had been, he did not think much time had been lost in bringing the matter to a practical conclusion. His firm conviction was, that the delay had tended not only to improve the Bill, but to diminish the chances of opposition to it when introduced. He was fully prepared to admit that the present law was in an unsatisfactory state, and that it was desirable it should be amended. At the same time he thought that great harm would have been done if the subject had been brought forward for discussion at a time when there would have been no possibility of coming to any definite or satisfactory conclusion. During the last three years the greatest pains had been taken to frame such a measure as should effectually remove the evils complained of; and he believed, also, that the chance of opposition had been diminished by the communications with different parties which had taken place. It should be borne in mind, that had the trustees of the various savings banks properly performed their duty, very little of the evils now complained of would have been felt. No legislation could compel such parties to perform their duty. He believed that the great body of the trustees and managers throughout the country were now more sensible of their duties, and, he might add, more ready to perform them. No legislation could enforce the voluntary and unpaid attendance of these parties at the meetings of the bank, and such attendance could only be left to their good feeling towards their poorer neighbours. With respect to the Motion of his hon. Friend, he did not know in what light to look upon it, except as a censure upon his (the Chancellor of the Exchequer's) conduct in not bringing forward the Bill at an earlier date. He did not consider that he was deserving of such censure. He had examined the subject very closely during the last few years, and hoped to be able at a very early day to introduce a measure on the subject.

MR. REYNOLDS said, that in agreeing with the Motion of the hon. Member for Kerry (Mr. H. Herbert), he thought he had a right to express disappointment at the conduct of Government; but he derived some satisfaction from the pledge of the right hon. Chancellor of the Exchequer, that he would introduce a Bill to amend the law relating to savings banks in the present Session. Recollecting what had occurred in the Committee of 1848, he could not reconcile the statement of the right hon. Gentleman, that Mr. Tidd Pratt was not an officer of the Government, with the proof that had been given of his conduct. Mr. Tidd Pratt had acted to all intents and purposes as a Government officer, interfering and advising, and in many instances giving most improper and pernicious advice; and now they were told Government were not responsible for his acts. Who, then, were responsible to the unfortunate creatures who had lost upwards of 64,000*l.* in the Cuffe-street savings bank? The Chancellor of the Exchequer said, Mr. Tidd Pratt gave advice in 1831 which would have saved the bank from its calamities; but, if so, why had the right hon. Gentleman given 10*s.* in the pound to the sufferers? It was because the Commissioners for the Reduction of the National Debt knew, as had been proved before the Committee, that for seventeen years before the bank failed, it was insolvent, and yet they had allowed it to go on. He quite agreed if Government were to be responsible, they ought to have the appointment of all the officers; but he contended that the poor, thrifty, and deserving people who thought they were getting Government security for their savings, should not be subjected to loss. He certainly was not aware that any proposal had ever been made, similar to that mentioned by the right hon. Chancellor of the Exchequer, with respect to the appointment of officers and the responsibility of the Government. He could not conceive how the right hon. Gentleman could reconcile it with his conscience to sit for four years on the Treasury bench, and not bring in some measure on the subject. In any Bill that he might introduce, he (Mr. Reynolds) trusted that the Government would consider it as a permanent one, and one calculated to apply a thorough and complete remedy for the evils complained of. Let the Government take the sole and entire control of the deposits; let them appoint a manager, clerks, and as many inspectors as were necessary; let them inquire into the character of the men whom they employed; let them take ample security for the trust reposed in those persons; and, that being done, there could be no risk to the Government. He (Mr. Reynolds) did not mean that local trustees should be dispensed with; he would have the Government take care that in every locality the clergy of all denominations, and the gentry, merchants, and traders of the highest character, should be asked to give their voluntary and unpaid assistance in managing the affairs of the bank, yet that not they, but the officers who were behind the counter, should be responsible. The report of the inspectors ought to be forwarded by every post to the chief officer in London, and this would be a guarantee for the proper regulation of the funds. He might be told that such a measure would be a very expensive one; but he believed the difference between the 2*l.* 15*s.* paid to investors and the $3\frac{1}{4}$ per cent received by the Government from the Bank of England upon the 30,000,000*l.* invested there, would be amply sufficient to defray all the expenses of such an establishment as that the main features of which he had sketched out. If, however, the hon. Gentleman the Member for Kerry (Mr. H. Herbert) had understood the right hon. Chancellor of the Exchequer as he (Mr. Reynolds) had done, the Government were prepared to bring in a Bill in the present Session with a view to remedy the evil complained of, and he would therefore advise the hon. Member to be satisfied with that promise, and not divide the House upon his Motion.

MR. POULETT SCROPE said, there was no question of more real importance to the community of this country than the subject of savings banks, and it was most desirable that they should be put upon a sound foundation. After the pledge given by the right hon. Gentleman, he trusted the Government would facilitate the measure, so that the House would not at the end of the Session have to complain of any breach of the promise now made.

MR. SHARMAN CRAWFORD said, that the constituency which he represented had been large sufferers from the present state of the law, and he felt deeply the neglect of the Government in not providing better security. For the last four years the Ministry had been promising an improvement in the system; but their promises had been violated, and the consequence was, that the working classes felt they had been sacrificed by the Legislature. There never could be a safe measure brought in on the subject of savings banks as long as there was a divided responsibility; either the Government or the trustees must be made legally responsible. He, however, had no great confidence in the pledge now given by the right hon. Chancellor of the Exchequer, and should support the Motion of his hon. Friend.

Sir HENRY WILLOUGHBY hoped the Government would turn their attention to that which he considered to be one of the chief points requiring legislation—he alluded to the establishment of some real controlling body over these banks. He spoke with feelings of the greatest respect for the National Debt Commissioners; but they had not time to attend to the accounts of 600 banks, and the control ought to be placed under one head. He was glad to hear, from the statement of the right hon. Gentleman the Chancellor of the Exchequer, that Mr. Tidd Pratt was without authority, because he had heard that that Gentleman had declared he had a Bill ready cut and dried, and it was impossible to calculate the mischief done by an unauthorised meddler going from one bank to another with a statement of that description. He hoped Mr. Tidd Pratt would be prevented from putting forth observations as though he was an authorised officer, qualified to speak on this subject.

Mr. GRATTAN said, he had very little confidence in any resolutions unless a Bill were introduced to deal with the subject. If the right hon. Gentleman the Chancellor of the Exchequer was unable to deal with it, let him transfer it to the hon. Gentleman the Member for the city of Dublin (Mr. Reynolds), who, though he might not bring the same amount of ability to the task as the right hon. Gentleman could, would bring great earnestness to the consideration of the question.

Mr. DISRAELI begged to thank the hon. Gentleman who had brought forward this Motion, for having introduced it to the notice of the House, and which he had done in such a way as thoroughly to engage its attention. He thought it should also be well understood that the subject brought before the consideration of hon. Members referred really to the whole question of savings banks throughout the kingdom, and not merely to those in Ireland, or to a few others; so that the importance of the question could not well be exaggerated. When, too, the House remembered that there was no question in which the welfare of the working classes was really more mixed up, he was sure it would be felt that the hon. Member had only done his duty in bringing it before the House, and that in that course he would meet with general approbation. At the same time the hon. Gentleman must feel that in bringing forward a Resolution of this kind, though it was apparently entirely justified by circumstances, it could not really be supposed that the House would vote for it after having received from Her Majesty's Government a very frank assurance of their intention not only to legislate upon the subject, but to do so early in the present Session. Under these circumstances, he thought it would hardly be becoming of the hon. Member to call on the House to divide on this occasion. He understood to-night that Her Majesty's Government, notwithstanding the difficulty of this question—which he would not affect to deny, though he thought it the paramount duty of the Legislature to grapple with it—he understood that the Ministry were prepared to come forward early in the Session with a measure which would meet the entire question of savings banks throughout the whole of the United Kingdom; and the hon. Gentleman having elicited that pledge, could hardly feel it necessary for the House to divide.

Mr. H. HERBERT said, that after the pledge which had been given by the Government, it was not his intention to divide the House.

Motion, by leave, *withdrawn.*

WORKING CLASSES—LAW OF PARTNERSHIP.

Mr. SLANEY begged to move for a Standing Committee, or unpaid Commission, to suggest measures to remove the obstacles which impede the investments of the humbler classes. The object which he had in view was not to abolish any existing law, but the introduction of such measures as would remove the legal obstacles which impeded the investment of the savings and the capital of the middle and humbler classes of the people, leaving them to display their own care and forethought in the disposal of their money. The proper direction given to investments and labour was a subject of the utmost possible importance to the welfare of the country. It was second to no other, and he therefore asked the attention of the House while he endeavoured to place before them his views upon the subject. In looking back to antiquity they would find the direction of the labour of the people was evidenced by the erection of useless monuments in commemoration of the power of their rulers. In the middle ages it was exhibited in the erection of fortresses or palaces for the selfish gratification of their governors; or subsequently, when their manners were softened and refined by the arts, in building picture galleries, or opening public gardens, where all classes might seek some recreation from their toils. In ministering to the pomp and splendour of the rich and powerful, the labour of the people but little benefited themselves. Upon this part of the subject he would not further dilate, merely observing that subsequently a light broke in upon them, when freedom bestowed the power of combining upon those questions which related to the advantage of the country. During the last century, owing in a great measure to the spirit, patriotism, ability, and intelligence of one nobleman—the Duke of Bridgewater—the English people were first permitted to engage in large partnership undertakings. No humble man should look with an envious eye upon the palace which the successor of that great and good man built, for he directed his time and intelligence to their benefit, and turned his great wealth into the formation of those canals which were of so much use to this country, and which contributed so largely to its internal prosperity. This was the first investment for their capital in which the middle classes were permitted to join, in which they were allowed to unite for one great and common purpose for the general advantage of all. After that they saw a wonderful invention—he meant railroads. This, again, formed for a great length of time an investment for the capital of large bodies of the people. During the last twenty or thirty years 300,000,000*l.* had been invested in this particular direction. At present, however, this channel was almost exhausted; nearly all the great roads of the kingdom possessed railways, and we saw in this country no means of enlarging this kind of investment. It was, therefore, absolutely necessary that we should relieve from legal obstacles any other form for the employment of their savings that might be open to the middle and humbler classes. During the war there had been a form of investment in the shape of public loans, which took up 20,000,000*l.* a year for twenty years, and which served, therefore, as a mode for the people to dispose of their savings; but he should be sorry to anticipate a war which would reopen such a method for the investment of capital. They had then about 75,000,000*l.* of money per annum seeking for investment on every side. It was therefore necessary, for the sake of encouraging the industry of the country, to afford facilities for the disposal of this large sum. There were three difficulties which stood in the way of persons seeking to invest their capital. The main difficulty which applied to the investment of the richer and middle classes arose from the law of partnership. The difficulty was, that no parties could join together to carry out any plan, no matter how beneficial to the public, without making themselves liable to the penalty of the loss of their whole fortunes should any misfortune occur. Again, supposing that any difference should occur amongst the partners, the only remedy was a suit in Chancery. Those who heard the eloquent Mover of the Address (Sir R. Bulkeley), knew what his opinion upon that court was. Why, it was an absolute denial of justice to compel a man to go before that tribunal. What was the first step taken? The partnership was dissolved. But when it was imprudent for the rich man, and exceedingly dangerous for the middle man, must it not be absolute ruin for the poor man, to go into the Court of Chancery? He therefore said, with regard to the rich and middle classes, that the law of unlimited liability was such as to prevent investments of the greatest value. It prevented prudent and careful men from using their capital—just that very class of men who it was expedient should guide enterprises of public utility. This subject had been referred to a Commission, and the late Lord Ashburton gave valuable evidence before that Commission in favour of a limited law of partnership. But this very law, for which he contended, was the law of almost every other country in the world. America, Holland, France, and Spain, possessing the advantages conferred by this law. The second difficulty or impediment to the investment of capital arose from the expenditure which it was requisite to make in order to obtain a charter of limited liability. Parliament enabled the Queen in Council to give a charter of limited liability. But as he had already observed, this boon was almost rendered nugatory by the clogs which impeded its action. It had been proved in evidence before the Committee of 1850 that it was the desire of several benevolent persons to erect lodging-houses for the use of the labouring classes, and it was intended that there should be some very moderate per centage returned upon the outlay. The same thing was intended with regard to washhouses, and it was found that those Gentlemen had no security, in case of any misfortune, that they would not be liable to the whole extent of their fortunes. The intention was abandoned; but in cases where the charter was desired, it was only secured at an expenditure of from 1,200*l.* to 1,300*l.* It was proved that there were twenty large towns in the country where benevolent people had subscribed money for similar objects; and they would have joined to carry out sanitary and moral improvements, did not the operation of the present laws of partnership impede them, and were not the expense of obtaining a charter so excessively great. The Committee of which he had the honour to be chairman recommended that these charters granted by the Queen should be obtained at a much more moderate rate, when men joined together to carry out local improvements. There was also added another difficulty to that which he had already pointed out. Then, as to local enterprises of public good, such as gas companies, water companies, bridges, roads, and other objects of local benefit, which might be carried out by the capital of the middle classes themselves, it was absolutely necessary to have some power that could only be given by the Act of Parliament. If there were fifty plans of improvement, fifty Acts of Parliament would be necessary, although one, to all intents and purposes, would be sufficient. For a long time they themselves laboured under a difficulty not very unlike the one of which he complained. They were obliged to obtain a separate Act of Parliament for every bit of common or field it became necessary to enclose, until the right hon. Baronet (Sir J. Graham) introduced one single Act of Parliament, by which these matters were now regulated, and which greatly reduced the expenses—indeed, diminished them fiftyfold. Where there were investments open to the great mass of the people, they ought to remove those forms which were found so useless and prejudicial. There had arisen lately in this country a number of benevolent persons who were desirous of improving the condition of their fellow-subjecst, and their desire was shown in the establishment of co-operative societies. He had just received intelligence of one established some years ago at Leeds; it was called the People's Mill, and it was prospering exceedingly, producing much benefit and spreading much contentment. Could anything be more fair than that these humble persons should have fair play in endeavouring with their own money and their own industry to benefit themselves and others? But if a benevolent person lent them 100*l.*, he risked the whole of his fortune; and the humble partners in such a concern, in the event of a dispute in the partnership, had no remedy but to go into the Court of Chancery, which was nothing less than ruin to the poor man. These persons asked to be permitted to have a cheap, simple, and expeditious tribunal for the settlement of their disputes, such as were given to provident societies, and to be enabled, like them, to go before a magistrate to decide their differences. It might happen that one out of 200 or 300 of the parties in such a society might be dishonest, and might take some of the partnership property away. He could not, however, be proceeded against, because he was a partner; and could anything be more unjust than a system of laws which bore thus unequally upon the humbler classes of the community? His third point was, that they should have either a Commission or a Committee appointed, who should have the power of investigating this great subject, and who should report from time to time to Parliament upon what measures should be introduced. It was not his intention to seek for a repeal of the present partnership laws. All he required was that the law of limited liability should be permissive, and should run side by side with the present laws. He desired that parties should be permitted to lend any given sums for a period of not less than twelve months, taking a share in the profits; and that any claims of a partner should be postponed to those of all the other creditors, the partner being only liable for the amount of his capital invested. If this proposal were carried out, he thought it would be going a great way to remedy the evils of which he complained; and he trusted that his right hon. Friend the President of the Board of Trade would give the House an assurance that the charters to which he referred would be issued at a much more moderate rate than heretofore. There was a great and increasing desire upon the part of the mass of the people to obtain this boon, and that they should be permitted to display their own intelligence in the disposition of their capital. Mr. Porter, Mr. John Stuart Mill, and several other intelligent persons, had declared their assent to the proposition which he submitted to them, as well as several other individuals eminent for their talents and their benevolence. As an instance of the salutary effect of giving the workpeople an interest in order, he would repeat an anecdote related to him by a most intelligent gentleman, the Secretary of the American Legation. In the city of New York, upon the occasion of a riot, it was feared that some of the common people who had joined together would unite to put out the gas lights. "I have got no fear of that," said a resident of the city. "There is not a man possessed of 10*l.* who has not a share in the company. These will perform the duties of most efficient constables." And he was right; no violence of the kind was attempted. He would give another example of the salutary working of these co-operative societies:—In the town of Bilston, which he visited as a Commissioner of the Board of Health, some persons established a gas company, and they had the good sense to place the shares at so low a figure as 5*l.* The consequence was that almost all the intelligent workmen in the town had a share, which paid seven per cent upon their capital. It was necessary, however, in the first instance, to have an Act of Parliament, and a hundred other places might do the same thing but for the expense of a separate Act. He believed there was nothing of greater importance than removing the legal obstacles which stood in the way of the investments of the humbler and middle classes, and he therefore trusted his Motion would be agreed to.

MR. EWART seconded the Motion.

Motion made, and Question proposed—

"That a Standing Committee, or unpaid Commission, to consider, suggest, and report from time to time, measures to remove legal and other obstacles which impede the investments and industry of the humbler classes."

MR. LABOUCHERE could assure his hon. Friend that he was not disposed to undervalue the importance of the subject, or withhold the tribute of sincere respect which the great time and attention he had bestowed upon the subject richly merited. He quite agreed with him that nothing could be more important than that habits of industry and economy should be encouraged amongst the humbler and working classes, by removing any obstacles which impeded the investment of capital. But he might differ from his hon. Friend in believing that it ought to be the object of the Government to encourage the humbler classes in undertakings of a speculative character, that promised great gains, but which, on that account, were more or less insecure. It was most important that, as far as advice and direction could be given to the working classes, they should be exhorted, in laying by their savings, to look to the security of their investments, and not to those large returns which were by a natural law always connected with some degree of insecurity. It was therefore that he ventured to express a doubt of the soundness of the opinions advanced by his hon. Friend. The discussion in which they were now engaged most materially affected the other question previously under the consideration of the House. He held, that no more important subject could occupy the attention of Government and the Parliament than that of the savings banks; and he confidently expected that his right hon. Friend the Chancellor of the Exchequer would be able to introduce a sound, just, and secure system, which he trusted would receive the assent of Parliament. When he (Mr. Labouchere) talked of the encouragement or the advice given to the humbler classes, he held that this class of the community should be as free as any other, and that the most entire freedom was best for all parties. He desired that there should be no restrictions in law upon the investments of either the humbler or the richer classes, further than those which experience showed were necessary to guard against fraud. With regard to the Motion of his hon. Friend, he could not assent to the expediency of having a Commission or a Committee to make suggestions, neither could he recollect any precedent for such a course being adopted. It was the intention of the Government to issue a Commission carefully to consider the whole law of partnership. He was of opinion, considering the enormous amount of capital existing in this country, and the great changes which had of late years taken place in the commercial relations of the whole world, that the law of partnership ought to be carefully considered and revised, with a view to make any improvements in the present state of the law of which it was susceptible. At the same time, with regard to the great question, whether this country should abandon the principle of unlimited liability which it had always observed, and adopt that system which he admitted more generally prevailed among the countries of the world, of a limited liability, by which persons might give their names to undertakings though liable only to a small portion of their fortunes, his own private opinion always had been and still remained averse to any such great fundamental change in the practice of the country. His hon. Friend had complained that there were three great causes which acted as obstacles to the investments of the working classes. The first was that very law of partnership to which he had alluded. His hon. Friend said truly that it was found to work against many of those associations and schemes which had lately been devised, especially those undertakings in which the working classes united together for the supplying of capital as well as labour. His own opinion was, that men should be allowed to judge for themselves with regard to these working associations and co-operative societies. He was not unobserving of what was taking place in this country, and he was quite aware there existed, and was spreading, a system of establishing societies of that description. He did not entertain any sanguine expectation of the success of such associations, in a commercial point of view; but, believing that the working men thought differently from himself—that they could unite the profits of capital with the gains of labour—he should be sorry to leave them with any just grounds of complaint that anything in the law prevented their making the attempt. He had looked lately very carefully into the law on that subject, and he found that the Joint-Stock Companies Act did interpose an obstacle; and, as he believed, an obstacle which was never intended by its framers, to the working of societies of that description. If it had been enough to have repealed that portion of the Joint Stock Companies Act, he should have felt it his duty to have proposed such a measure to the House. But he found also that it was necessary to go further, and not merely to repeal obstacles, but to alter the general principles of the law of partnership. He was not there to pronounce whether that ought to be done or not; all he said was, he thought it a very grave step, and a very serious thing for Parliament to give such encouragement as must be implied from their sanction of that alteration. The Government was anxious, however, that this question should be carefully considered by the Commission which it was their intention to propose, and he trusted the recommendations which would be offered would allow of sound improvements, and, in case relief should be denied, present the reasons for such denial, after a deliberate and searching inquiry. The other complaint made by his hon. Friend was, of the expense of the charters of limited liability, given by the Board of Trade. He (Mr. Labouchere) must admit those expenses were greater than he wished. He took advantage of the Bill of last Session considerably to reduce them—he thought by one-fourth—but he was in hopes that diminution would have been greater, and he should very gladly avail himself of any opportunity which might offer, further to reduce those expenses. The case instanced by his hon. Friend of a charter having cost 1,200*l.*, was not likely to recur again; it was a peculiar one; the provisions were very cumbrous, and therefore the fees were more than ordinarily heavy. With regard to the other modes of investment of the savings of the working classes, he need not advert to them at any length. There was one mode which he believed was as natural to the human heart in the humblest as in the most exalted rank; he meant the acquisition of land. He believed the Statutes of last Session had very considerably facilitated the acquisition of land, and whoever had lived in those parts of the country where small parcels of land were sold, well knew the great desire which existed amongst the humbler classes to become possessed of however small a portion. He was of opinion that feeling ought to be encouraged. He believed it added to the means, the happiness, and the self-respect of those possessed of a portion of the soil of the country, without being merely the means of profitable investment; and he should, therefore, rejoice at any further facilities being given to the acquisition of land among the humbler classes. Having already stated to the House that it was the intention of Her Majesty's Government to issue a Commission to consider the whole law of partnership, he supposed he need not go further into that question. He thought the Joint Stock Companies Act required some alteration; it had effected great good, but was most cumbrous in its structure, and might be simplified with advantage. He confidently expected some useful improvements would result from the labours of the Commissioners. At the same time his own opinion led him to hope that the result of those labours would not overturn those fundamental principles on which the law of partnership rested, suited, as he considered them to be, to the circumstances and habits of the country. The Government, believing that the time was come when inquiry ought to be made, would issue a Commission for the purpose, as being more suitable than a Committee of the House; and, therefore, he trusted his hon. Friend would not persist in his Motion, but feel satisfied with the assurance now given.

MR. MOFFATT said, that the satisfaction he had felt at the announcement of a Commission on the law of partnership had been considerably qualified by the fact, as he had understood the right hon. Gentleman, that the gravest and most serious principle involved in it, namely, unlimited liability, would not be approached.

MR. LABOUCHERE could assure the hon. Gentleman that the instructions to the Commission would be of the most unrestricted nature. He had only been endeavouring to explain his own sentiments upon the subject.

MR. MOFFATT was glad to hear this avowal; because it seemed to him that the whole weight of evidence taken before the Committee last year was very much in favour of limited liability as it at present existed in most parts of the United States, Holland, France, and some of the commercial States of Germany.

MR. HEADLAM congratulated the hon. Gentleman who had moved the Resolution, that there was a good hope of the favourable termination of his exertions. He did not think the right hon. Gentleman (Mr. Labouchere) had been quite fair in attributing to the hon. Gentleman a desire to encourage the investments of the savings of the humbler classes in schemes of a speculative character. The hon. Gentleman's object was, to put it in the power of poor persons to obtain capital on better terms, with which to carry on their business. In 1847, he (Mr. Headlam) had moved for leave to bring in a Bill for the formation of joint-stock companies on the principle of limited partnership; and he was still of opinion that that principle would be much more advantageously applied to such companies than the present. He was perfectly satisfied that the existing law of partnership did not act well upon a wealthy body, either as regarded the parties themselves or their creditors. There was no tribunal to decide between partners except the Court of Chancery; and even that did not decide for the disputes of a continuing partnership, so that there was really no power by which shareholders could call their directors to account, or settle their disputes amongst themselves; and, even if they submitted to a dissolution, the appeal to the Court of Chancery would involve a ruinous expense. Nor did he think that the principle of unlimited liability was so embedded in our law as the right hon. Gentleman seemed to think. The railway companies, the companies which had charters, and the Bank of England, were all founded on the opposite principle; and it was acted upon in nearly all foreign countries, without causing any of those evils which the right hon. Gentleman seemed to anticipate from its adoption at home.

MR. J. A. SMITH said, the great question with the working classes was not generally so much the amount of the yearly interest they obtained upon their savings, as the certainty that they could recover them whenever they pleased. He thought that encouragement to the associations which had been spoken of would do much injury by fostering habits of speculation or of improvidence, which would be sure to result when the working people found that the savings which they had hoarded with such care were wasted by imprudent investments. He did not think, however, that there would be any great or important difficulty in giving persons desirous to associate together with a small capital the means of settling their disputes *inter se*, the want of which he believed formed a much more serious obstacle in such associations than the question of limited or unlimited liability. He begged therefore most earnestly to draw the attention of the right hon. Gentleman the President of the Board of Trade and of the Government to this point. If the House would read the evidence given before the Committee last year, they would find that all the witnesses considered this their chief grievance; and it was in fact a grievance which had created more discontent amongst the working classes than any other whatever. In conclusion, he felt sure that the importance of the general question would secure for it a prompt and close attention, intimately connected as it was with the prosperity of the country and its future progress amongst the nations.

MR. COBDEN said, he had been appointed on the Committee last year, but as he was also then a Member of two other Committees he was prevented from giving more than a partial attention to the subject; but as the whole question was to be referred to a Commission, and as the subject was one which had occupied considerable attention in the commercial world, he should like to say one or two words upon it. He did not intend to refer to the legal settlement of partnerships, for there was one branch of the question which was a total legal one. No doubt there was a great grievance in the want of some more summary mode of settling disputes between partners. That was a matter, however, which he left to the legal Gentlemen; but the question of limited liability was one upon which commercial men ought to be consulted. Now, the remarks of the hon. Gentleman (Mr. J. A. Smith), whose opinion was certainly entitled to great weight upon commercial subjects, were adverse to those entertained by the majority of commercial men, and the observations of the right hon. Gentleman (Mr. Labouchere) seemed to go in the same direction; but neither he nor the commercial men whom he had been able to consult, could see any valid reason why this country should be an exception to the rest of the commercial world with regard to the question of limited or unlimited liability. The question divided itself into two propositions, namely, as it regarded joint-stock companies and private partnerships; but he could never see why any given number of gentlemen, because they had capital, power, and influence enough in that House to carry their Bill, should obtain a privilege which they denied to humbler individuals who had not more than 5,000*l.* or 10,000*l.* with which to caary on their business. It was surely only justice to give the same facilities to small undertakings as were enjoyed by large ones. He said this not with the view of tempting the working men to enter largely into those speculations which the hon. Member for Shrewsbury (Mr. Slaney) had alluded to. He thought that working men in this country laboured under a very great delusion in supposing that they should derive a greater amount of benefit from the investment of capital by being themselves capitalists, than they did now by being labourers paid by wages. Take a large manufacturing concern, where the capitalist had 1,000 people in his employment, and it would be generally found that, at first sight, there was a feeling of grievance on the part of the great multitude of working men that they should be receiving wages, while the capitalist was deriving profit from his capital. But, on analysis, it would be found that these working men got a great deal more of the profits in the shape of wages, while the concern was managed by one responsible capitalist, than they would do if they were joint-stock partners, who elected their own manager, and share the profits of the stock. He was decidedly of opinion that the working classes had nothing to gain by upsetting the present system of society, in which the profits and stock went to one, and the labour and wages to another. But, while holding this opinion, he was for giving to the working classes the fullest opportunity of trying experiments for themselves. And so long as they were prevented, or deprived of facilities for entering into joint-stock associations—so long as obstacles were put in the way of this by the enormous trouble and cost of obtaining Acts of Parliament or charters—so long the sense of grievance would be left on their minds; and they could not be persuaded that they would not enjoy greater advantages provided they were allowed to carry on their business on the co-operative system alluded to. With regard to the other branch of the question, private partnerships, he was an advocate for the system of limited liability. There would be very great advantage in allowing an individual possessing capital to place at the disposal of a partner who had not capital, but who had skill, a certain amount, on which he should receive a share of the profits of the business. According to the present English law, a man putting any portion of his capital into any concern, and receiving a share of the profits, was liable to the whole amount of his fortune, as Lord Eldon said, to his last shilling, and the last acre he might possess. On the Continent, and in great part of America, the system of limited liability prevailed. Its advantage was this, that men of ingenuity, men of character, inventors, those who had the skill and the conduct necessary for successfully carrying on a business, had the opportunity of profiting by an advance of capital, of limited amount, from a capitalist, who would be willing to advance a limited sum, with a limited risk, on condition of sharing fairly in the profits of the business, which he would not do under the present law, knowing that the whole amount of his capital would be at risk, and responsible for the conduct of the business carried on by the acting partners. It was said, that by a system of limited responsibility the commercial world would be deceived, and the people would be induced to trust a concern carried on under this system, because they knew a certain rich man had a share in the business, and would thereby incur a loss, owing to their undue confidence. What did this argument amount to? It proclaimed that the commercial world, the great bankers, the capitalists of this country, were not competent to take care of themselves, and to judge whether people were trustworthy or not. On the Continent, and in America, he believed, it was customary to advertise the names of the partners who advanced capital to a concern, and the amount they advanced. Thus the whole commercial world knew what they were trusting. They trusted perhaps two or three young men, who were the *gérants*, as they were called, in carrying on the business; they trusted to the character and skill of those, and also to the 10,000*l.* or 20,000*l.* that might be known to be advanced by a partner who was not actively engaged in the business, and not actually responsible beyond the amount of his advance. They knew that these young men were liable to the whole extent of their fortune; they knew what security they possessed; and if, knowing all this, they choose to give credit unduly, it was their own fault, and they must take the consequences. That House had no need to legislate to protect the very intelligent people on the other side of Temple-bar from losing their property by giving too easy credit. That was a matter which might fairly be left to themselves. He argued in favour of this system, because he thought it would diffuse capital in this country. It would tend to attract capital from the wealthy into the hands of the deserving and meritorious persons who could give profitable employment to that capital. It was said there was always plenty of capital to be had by anybody in this country. There was, no doubt, plenty of capital in few hands; but there was a great want of diffusion of capital; and there was a greater inequality of fortune in this country than in any country in the world. He would not pass any law to forcibly diffuse capital, but he would remove every obstacle which prevented it diffusing itself. The complaint of the present law was, that it stood in the way of transactions between man and man; it prevented the marriage of skill and capital by means of limited liability; it forbade the banns between them in this matter. Let skilful and industrious men who wanted capital be left to make their own arrangements; and so long as they made public their bargains, there could be no complaint on the part of those who trusted them. A most intelligent witness, Mr. Commissioner Fane, of the Court of Bankruptcy, who was examined before the Committee last year, went still further, and thought he had impregnable ground for the position he took up. He argued in favour of limited liability, even when there was no publication of the banns of marriage between the parties; he said that if parties liked to make a private contract, if people knew that they were trusting A, B, and C, they had no right to complain that D, who was behind the scenes, had made a private bargain to share in the profits. But, without insisting on this view of the subject, he contended that in the other species of partnership, where full publicity was given to the terms, and where the public knew whom they were trusting, they would have no reason whatever to complain if they lost their money by undue confidence. What we wanted in this country was greater facility for the employment of capital—greater facilities for those possessing capital to employ it. He knew that in some parts of the City there was a strong feeling against this system. One day when he was absent from the Committee last year, Mr. Cotton, of the Bank of England, and others, had expressed a hostile feeling towards the system of limited liability; but there was a total absence of argument on the part of these gentlemen when their reasons were brought to the test. They gave their opinion; that opinion might have been a prejudice, or it might have been something derived from other people. But let hon. Gentlemen weigh the evidence, and they would find on the side of those who argued for limited liability, reasons, facts, arguments, and strong principles; and on the other side something very like arbitrary opinions, the *dicta* of men accustomed to decide the course of the market by their will and word, and not accustomed to give reasons for what they did. He thought the great capitalists of the City took a wrong view of this matter. It would be more profitable to them to have the opportunity of investing capital in the concerns which would certainly be opened by an alteration of the laws of partnership, than to have their money lying at 1 or 1½ per cent. At present capital was dammed up, and instead of gradually diffusing itself in fertilising streams, it occasionally devastated its banks, and produced ruin and misery through the whole field of commercial enterprise, instead of advantage. Let them offer every facility they could for the investment of capital, or, at least, remove every obstacle that stood in the way of its fair investment; and he had no doubt whatever the great capitalists of the country would derive quite as much advantage from the alteration of the law as any other class of the community. He hoped the hon. Member for Shrewsbury would not press his Motion to a division. He thought the proposal of the right hon. President of the Board of Trade to refer the subject to a Commission, was the best course that could be taken. The whole question was contained in that of the law of partnership and limited liability; and the hon. Mover would not serve his purpose by pushing his question into any more vague field of inquiry. A full investigation was the great object in view; and, notwithstanding the many difficulties he had had to contend with, the hon. Gentleman might console himself with having already conferred great advantages upon the commercial world.

Mr. SOTHERON feared that the humbler classes, for whom the hon. Member for Shrewsbury (Mr. Slaney) had appealed to the House, would after the Commission be as far from their object as they were at the present moment. He quite agreed that unlimited liability deterred the risking capital in concerns; but in that question those parties were not at all interested. The real grievance with them was not the risk of their small capital, but the absence of some means of adjusting disputes among themselves, and to the laws for regulating friendly societies they must look for the means of affording a remedy. He believed that co-operative societies would do well in looking to the enactments contained in the Friendly Societies Acts for assistance in the settlement of disputes. With regard to the law of partnership, he must repeat the opinion which he had expressed before the Committee, that the best way of giving the go-by to partnerships in the nature of co-operative societies was by encouraging persons who had small capitals to advance them to partnerships by way of loan, and to pass an enactment authorising interest to be paid thereon in proportion to the amount of the profit realised. What his hon. Friend aimed at would be best carried out by these means.

Mr. EWART hoped that there was a mistake in supposing that the right hon. Gentleman the President of the Board of Trade intended to limit the inquiry to the law of partnership. He was anxious, however, to express his opinion that the question of limited or unlimited liability was not interesting merely to a particular class of society, but was a principle of general application. Capital was constantly struggling to break the bonds which beset it, and they said that railway companies and other undertaking were based upon the system of limited liability. Therefore, the law of limited liability in partnerships was not so alien to the practice of this country as had been represented. In America and other countries parties looked to the amount of capital subscribed, and not to the names of the proprietors. Why should not they do the same here? He rejoiced to see the probability of some practical result being now attained from the discussions which had taken place on this subject.

Mr. T. BARING would not have trespassed upon the House, but for the observations of the hon. Member for the West Riding (Mr. Cobden). The hon. Gentleman said, limited liability in the case of the poor would be, if not productive of injury, at least of very doubtful advantage; but then he urged that the House should at once decide in favour of limited liability for commercial purposes, and for trading concerns. Why, the very object of the Commission to be appointed was to make inquiry, and to take the opinion of the commercial classes upon the subject; but the hon. Gentleman prejudged the question, and contended that all the arguments were in favour of the scheme. He (Mr. T. Baring) admitted that it was a difficult question to decide—there was something to look at on both sides. But the hon. Member said, that on looking at the evidence taken before the Committee, he found that the gentlemen on the other side of Temple-bar urged their opinion without one word of argument; that there was nothing but the simple wish of men accustomed to the arbitrary dictation of the employment of capital. He should have thought the hon.

Gentleman was treading on rather tender ground when he alluded to the arbitrary dictation of the employment of capital. He must have forgotten that he himself had, on more than one occasion, been a party to prescribing the manner in which there should be an employment of capital for particular purposes. And then the hon. Gentleman was for perfect freedom of capital. He would tell the hon. Gentleman, who said no argument had been brought forward on that side, that limited liability might be defended in one country, and in one state of the circulation of capital, and might not be wanted in another. They might have France, where there was plenty of capital, but a limited spirit of enterprise, and where people would not embark their capital in business without limited liability; or they might have America, where there was unlimited enterprise, but limited capital; and then came the want of the union of capital contributed from a variety of quarters for purposes of commerce; and there partnerships with limited liability might prove useful. But in this country they surely had enough of capital, and no want of enterprise; and if he were to say why we did not require limited liability, he would ask whether the competition in every branch of trade and commerce was not so great as to have reduced profits to the lowest scale; and whether they could have any better proof that there was no want of the diffusion of capital than the very small profits that existed? The hon. Gentleman said, "Marry capital with enterprise; take some fat easy man, with plenty of money, and join him with one or more active men of business who has plenty of enterprise." He was afraid, however, the fruits of that legitimate union would not be so favourable to trade as the hon. Gentleman supposed. He rather believed that when a man with no money united in this way with a rich man, the poor partner having only skill and enterprise, and no capital to lose, the rich man having money but no responsibility in the business, and no character to lose, the result would be that in cases of failure the man whose character was at stake lost no money, and the man whose money was at stake had still an unblemished character. What was necessary for credit in this country was, that the man with the money should be responsible for the character of the business; and they ought never to do away with that which fixed in the right quarter that amount of censure which to a certain degree attached to the man that failed in business. He did not mean to have said anything on this question, but could not allow the hon. Gentleman to taunt those who held these views with going before the Committee, and not having a shadow of ground for the opinion they entertained. He was ready to admit it was a difficult subject—that it was an open question, and if the result of this Commission was the introduction of a Bill, he very much doubted whether it would be possible to guard against frauds. It was very doubtful indeed, whether, in the present state of trade in this country, any fresh stimulus to enterprise was required. Another point to be considered was, that they might have great commercial companies established with limited liability, and that there was great danger of these large companies underselling and crushing all the small traders.

MR. TRELAWNY said, he had read the blue book on the subject, and was of opinion that it was one which ought to be approached with great caution. There was, however, an instance in which the principle of limited liability was in actual operation to a great extent. In Cornwall, under what was called the cost-book principle, thousands of shares in mines were held without any liability beyond their amount, and were transferred with facility. This system had been at work in that part of England for years, was generally well understood, and was not found to have occasioned any evil. His opinion was, that, if a Commission were appointed, it ought also to inquire into the banking laws, because the subject, as limited by the terms of the hon. Member for Shrewsbury's Motion, was apt to lead the working classes to form expectations of millennial happiness which could never be realised. There was, at the present time, too much already of this spirit abroad; and it was owing, he believed, in a great degree, to the manner in which certain subjects were debated in that House. Protectionism, for instance, was a sort of socialism in disguise, founded on the doctrine that it was necessary to foster one trade because it was better than other trades—an idea analogous to that of socialist co-operation—as much so as the doctrines of Louis Blanc or Cabet. The House fostered socialist views too much, and then wondered at the fruits that they produced. The present strike of the engineers had arisen from the support given by the noble Lord at the head of the Government to the Factory Bill. He believed that those two circumstances were as much cause and effect as any two facts which bore that relation to each other. He warned the labouring classes not to compete with capitalists, under the delusive idea of realising a millennial happiness.

Mr. SLANEY, in reply, thanked the House for the kind notice which had been taken of his own humble exertions in the matter, and he wished to say that his Motion was not confined to the working classes, but had for its object the removal of obstacles to investment which pressed upon all classes. He was glad the Government had conceded an inquiry; and, although he knew that men of the greatest abilities entertained different opinions on the subject, he had great hopes of a satisfactory result. He should therefore depend upon the promise of the Government to issue a Commission for that purpose, and would beg leave to withdraw the Motion.

Motion, by leave, *withdrawn.*

DUTY ON CARRIAGES.

Sir De LACY EVANS, in moving, pursuant to notice, for leave to bring in a Bill to modify the duty on Carriages, said that he proposed that there should be in future only three classes or rates of payment, instead of the thirteen or fourteen now enforced. His proposition was for a duty of 3*l.* for four-wheeled carriages drawn by two horses, 2*l.* for four-wheeled carriages drawn by one horse, and 1*l.* for two-wheeled carriages. That was the proposition which he had the honour to submit to the House, though not as a volunteer, for the fact was that the whole of the coachmakers throughout the kingdom complained that their trade was deeply depressed, as the right hon. Chancellor of the Exchequer was well aware, from the numerous petitions on the subject that had reached him. He (Sir De L. Evans) had, however, only been selected as the organ of their complaints, because the greater number of the coachmakers carried on business in the city which he had the good fortune to represent. At this period of the evening, and in the present state of the House, it would ill become him to speak at any length on the subject, and therefore he would refer but to one point to show the unsatisfactory nature of this tax, and that was the duty on four-wheeled carriages let to hire. In the whole kingdom there were a thousand coachmakers, and yet, owing to the nature of the tax which was imposed, only 507 carriages last year, and 461 carriages this year, were let to hire throughout the country. The duty from this source amounted last year to 3,041*l.*, and this year only to 2,760*l.*, which, deducting the expense of collection, would probably not bring in more than 1,500*l.* to the Exchequer. Now, what was the reason that the tax fell off so from year to year? The tax was 6*l.* a year; but as that tax was payable if the carriage were hired but for a single day, and the average time of letting was not more than three months in the year, in point of fact the coachmaker paid at the rate of 25*l.* yearly. The party hiring the carriage—the consumer, if he might use the expression—had of course to pay the tax ultimately, and he believed that this was the only thing manufactured in this country, except hair powder, which paid an annual tax. If there were no other grievance than this of which the coachmakers had to complain, it would be one for the favourable consideration of the right hon. Gentleman the Chancellor of the Exchequer. For thirteen years successively this tax had fallen from 10,000*l.* till it reached its present amount. With the increase of population and the general increase of prosperity, this item of taxation exhibited a decrease year after year. That would serve to show that there must be something wrong in the tax itself. The present rates of duty on carriages varied from about 9*l.* to 1*l.* and some shillings; and there were a variety of exemptions, which led to all sorts of frauds and evasions, or at any rate to a deviation from the spirit of the Act. There were four Acts of Parliament by which the duties on carriages were imposed; and as the clauses contained a great variety of exemptions, there were, consequently, all sorts of evasions and frauds practised. For instance, four-wheeled carriages, with wheels of less than 30 inches in diameter, drawn by mules or ponies of less than 12 hands in height, were exempt from duty. This was intended for the relief of persons in humble circumstances; but the advertisements respecting "brilliant pony equipages under tax," which were so plentifully inserted in the newspapers, showed that these were not the persons who profited by the exemption. Then there was the dog-cart exemption, which flourished most extensively, many noblemen, and even, as he was told, members of the episcopal bench, availing themselves of it. It was only necessary to show a receipt from the builder for 21*l.* to the surveyor, and to have the name of the owner painted on the cart, and the thing was done. But it so happened that a dog-cart, with springs, could not be built for 21*l.*; and thousands on thousands of cases occurred in which parties exerted, and successfully exerted, their ingenuity to evade the annual payment of 3*l.* 5*s.* Sometimes a dog-cart, which could not be made under 40*l.*, was sold for 21*l.*, but then 19*l.* was given for a whip. Sometimes the gentleman who ordered the drag would not pay more than the legal price himself, but his wife would take care that the tradesman did not suffer. The House was about to deprive the electors of St. Albans of their franchise for septennial corruption; but the right hon. Gentleman the Chancellor of the Exchechequer was unwittingly causing corruption annually a hundredfold greater than was committed in that unfortunate borough. He trusted, therefore, that the right hon. Gentleman would take this matter into his consideration, and allow him to introduce this Bill. He believed that the rates of duty which he proposed, would yield as much revenue as was now produced from this source, while at the same time thirty-eight different classes of skilled artificers would obtain greatly increased employment.

MR. W. WILLIAMS seconded the Motion.

The CHANCELLOR OF THE EXCHEQUER said, he was afraid that he could not at present agree to the Motion of his hon. and gallant Friend. At the same time he must do him the justice to say that he had very fairly stated his case; and he (the Chancellor of the Exchequer) should not speak the truth if he did not admit that that there was a good deal in the operation of the tax which was not at all satisfactory. He also must say that of all the various persons who had done him the honour to wait on him to ask for a revision or reduction of taxation, no persons had made a fairer statement than those who had asked for the reduction of the carriage duty. He did not think, however, that the calculations which his hon. and gallant Friend had made as to the amount which would be received if the proposed rates were substituted, were quite justified by the information which he had obtained. He hardly remembered any proposed reduction of taxation, on making which he had not been told that he knew nothing about the matter, and that in the end the tax would produce a much larger amount than before. In his opinion, one of the most unjust of the direct taxes—taxes which were beginning to be unpopular with hon. Members on that (the Ministerial) side of the House, though some time ago they directed their principal energies against indirect taxation—one of the most unjust of the direct taxes, was the duty on stamps upon conveyances. He had, therefore, made a proposal to effect some reduction in that particular; but the House thought proper to carry that reduction a good deal further than he had himself proposed, and he was told that the estimated loss of 500,000*l.* under this head was grossly exaggerated, and that the revenue would not suffer a loss of half that amount. Now, the loss on the first complete year of the reduced duty was 497,000*l.* Calculations so very accurate as this could not always be expected; but the result served to show that the officers of the tax department were more correct in their estimates than hon. Gentlemen in that House. He quite agreed that it was desirable in many respects to alter the mode in which the carriage tax was imposed; but that could not be done without resorting to one of two alternatives—either by submitting to a considerable loss of revenue, or by bringing under taxation a large class of carriages which at present did not pay any duty. The least sum which would be lost to the revenue, if the rates proposed by his hon. Friend were adopted, would be 200,000*l.*, assuming that only the carriages now taxed would be liable. What amount would be received if other carriages not now paying duty were charged, would be matter for speculation. Among those who were now exempted were a large number of persons who had market carts—a class of carriages which had increased to an enormous extent, but which would be taxed if his hon. and gallant Friend's proposal were adopted by the House. At the same time he was satisfied that the opposition to the modification of the tax which his hon. and learned Friend proposed, would be greater than he anticipated; because he had seen several deputations on the subject, and he knew that the feeling in the south of England was by no means so favourable to the modification and extension of the tax as it was in the north. He could not, therefore, agree to a plan which he believed would entail a considerable loss to the revenue; and certainly, in the present state of the financial prospects of the year, with the unascertained duration of the war that was going on in South Africa, he very much doubted whether he should be able to afford any money for the reduction of taxation. He thought it would, under such circumstances, be extremely premature to sacrifice revenue to the extent of 200,000*l.*, as he should be obliged to do if he agreed to the proposal of his hon. and gallant Friend. The proposition of his hon. and gallant Friend was not the only one for the reduction of taxation that stood upon the paper this evening. The hon. member for Newcastle-upon-Tyne (Mr. Headlam) had a proposal to get rid of the duty on stamp receipts, which would be a loss to the revenue of 130,000*l.*; and the proposition of his hon. and gallant Friend (Sir De L. Evans) would be a sacrifice of revenue to the extent of 200,000*l.* at least, so that the two schemes would not cost less than between 300,000*l.* and 400,000*l.*; he hoped, therefore, the House would concur with him in giving his negative to the Motion. He agreed with his hon. and gallant Friend, that if the state of the revenue would allow of it, some modification of this tax might form a fair subject of consideration; but it would not be safe to vote away taxes in this manner which might produce a deficiency at the end of the year, or at any rate might fritter away a surplus that might be better employed. He trusted, therefore, that the House would reject this proposition, and wait till the financial statement of the year was laid before them before they proceeded to dispose of the surplus revenue.

Sir GEORGE PECHELL said, he was greatly disappointed with what had fallen from the right hon. the Chancellor of the Exchequer, who had again advised hon. Members not to commit themselves till he brought in the Budget. So he used to tell them with regard to the window duties; but the House persevered, and they smashed the window duties, and he had no doubt that ere long they would do the same with the carriage duties. Let them look at the question in a moral and economical point of view. In the library of the House were numerous blue books, giving an account of the appeals against this tax that had been made from time to time; and it would be seen that all sorts of evasions were continually had recourse to in order to avoid the tax. And then let the House consider the expense of all the trials and appeals that were continually taking place. The right hon. Chancellor of the Exchequer talked of the loss of revenue that he would sustain; but if he balanced that loss by the saving that would be effected in getting rid of appeals, and of the numerous staff of surveyors that were now employed to watch evasion of the law, he would see that the loss on the one side was balanced by the saving on the other.

Mr. AGLIONBY regretted that the Chancellor of the Exchequer dealt in assertion rather than in argument. The right hon. Gentleman had asserted that the revenue would lose 200,000*l.* if this measure were passed, but he had not stated to the House how he arrived at that conclusion. All that the right hon. Gentleman had to do was to look at the question in a pounds, shillings, and pence point of view; but the House of Commons had a right to consider the morality of it. At present, the law on this subject was so vague and mixed up with so many legal terms, that scarcely any person could understand what his rights were under it; and, to avoid the difficulties and frauds that occurred in consequence, he thought this Bill ought to be allowed to be brought in, unless it could be clearly proved that it would occasion a diminution of the revenue. Now, he (Mr. Aglionby) believed that by the proposition of the hon. and gallant Member (Sir De L. Evans), the revenue would be greatly increased. He believed that if a 1*l.* tax was levied on all spring carts alike, the farmers would gladly pay it, and the revenue would be greatly benefited. [Sir De L. Evans: But I don't propose to tax the farmers.] He certainly understood that his hon. and gallant Friend exempted nobody—that there was to be one uniform tax on all. That, at all events, was his proposition; and he believed that farmers using spring carts to go to market would not object to pay the tax; the complaint was that those who were able to pay did not pay.

Sir De LACY EVANS explained that he proposed in this measure to continue the exemption of all *bonâ fide* spring carts used by farmers and town traders.

Mr. W. WILLIAMS said, the right hon. Chancellor of the Exchequer admitted that the present state of the law was unsatisfactory, and his only objection to the Motion was, that the revenue would suffer. Now, the coachmakers had issued a pamphlet to show that instead of suffering, the revenue would gain by this modification. Neither did his hon. and gallant Friend (Sir De L. Evans), as he (Mr. W. Williams) understood him) wish for a reduction of this tax. His hon. and gallant Friend maintained, on the contrary, that by a just equalisation of the tax, the revenue would gain. What he (Mr. W. Williams) would propose, therefore, was to allow the Bill to be brought in, and then let a Committee be appointed to inquire into the subject, and give the coachmakers an opportunity to prove their statement, that by the adoption of this measure there would be no loss to the revenue. He was aware that the right hon. Chancellor of the Exchequer had made some nice calculations upon the subject; but he must say that he had no faith in them, for they had been so often proved to be wrong that they appeared to be adopted very much at haphazard. But let them be tested by a Committee, and that was all he wanted.

Sir GEORGE STRICKLAND said, he was glad to hear the right hon. Chancellor of the Exchequer admit that the claim of the coachmakers ought to be taken into consideration so soon as the state of the revenue would allow of it. He did not know whether his hon. and gallant Friend (Sir De L. Evans) ought to be satisfied with this declaration; but if he did proceed with the Bill, and get it into a Committee, he was afraid he would make very little progress in that way, because the Committee would feel themselves bound by the calculations of the Government, and the result would not be what he wished for. He certainly thought that this duty should be remitted, as it tended to deception and immorality. He wished that the right hon. Gentleman would agree in the maxim of his hon. Friend the Member for Cockermouth (Mr. Aglionby), that all taxes that tended to immorality should be remitted, as he thought that in that case the country would get rid of that most odious of all taxes—the Income tax. But, as all taxes were liable to the same imputation, inasmuch as some of the public would endeavour to evade them, he was afraid the maxim of his hon. Friend could not in reality be acted upon. Therefore, seeing the difficulty there was of remitting any taxes, and that the right hon. Chancellor of the Exchequer was as willing as any Member of the House to remit taxes whenever he could, he thought his hon. and gallant Friend would do best not to press his Motion for the present. He was satisfied that the proposition of the hon. Member for Cockermouth to lay a tax of 1*l.* upon all spring carts, would bem ost unpopular. His hon. Friend said that the farmers would be willing to pay for the spring carts with which they were in the habit of driving to market. Now he doubted very much whether they would be willing to pay any such tax, and he thought it would be most impolitic to impose it; for he could assure the House that a great change had taken place in the habits of the people since the exemption of those carts from taxation. Formerly all the farmers used to ride to market on horseback, or go in common carts, and he remembered when it was quite usual for a farmer to take his wife to market on a pillion behind him. But now all that was given up, the adoption of spring carts had become universal, and in the present state of agriculture it would be most unwise to subject these carts to taxation.

Sir JOSHUA WALMSLEY thought the right hon. Chancellor of the Exchequer had taken a correct view of the present question: first, he had no surplus to dispose of; and, second, if he had there was no good reason for removing a tax on the fact that fraudulent evasions were made to avoid it. When there should be a surplus he thought the right hon. Gentleman would find it better to take off the taxes from those who walked than from those who rode.

Mr. J. ELLIS rose to deny that the people would be willing to have their spring carts retaxed. He believed it would be impossible to do it, and to retax the farmers, of all people. With regard to the main question, he agreed with the hon. Member for Bolton (Sir J. Walmsley), that it would be better to relieve the people at large than those who could afford carriages.

Mr. G. THOMPSON could not vote with the hon. and gallant Member for Westminster, not only for the reason stated by the hon. Member for Bolton (Sir J. Walmsley), but because he thought it was a question that ought to be taken up in connexion with another on which several meetings had already been held throughout the country, the duty levied on post horses. An hon. Member had already given notice of a Motion on that subject, and he hoped, therefore, that the hon. and gallant Gentleman would postpone his Motion till the whole question could be brought under the consideration of the House.

Sir De LACY EVANS, in reply, said, he did not wish to impose any new tax, but to make that which at present existed fair and equal. As the only means of obtaining an expression of opinion on the subject, he would divide the House.

Motion made, and Question put, "That leave be given to bring in a Bill for the reduction of the Duty on Carriages."

The House *divided*:—Ayes 24; Noes 59: Majority 35.

RECEIPT STAMPS.

MR. HEADLAM said, that the Motion of which he had given notice was for the Abolition of Stamps imposed upon Receipts. He had hoped that the right hon. Chancellor of the Exchequer would have remitted this tax long since, in consequence of the representations that had been made to him, more especially as the reduction of other stamp duties had given great relief to the public. The chief argument which, in his opinion, was in favour of the abolition of this tax, was its systematic evasion on the part of the public. This was the greatest evil to which a tax could be exposed. The late Sir Robert Peel was so strongly of this opinion that he remitted the auction duty, although the remission at that time was neither demanded nor expected. There were few taxes which in principle were more objectionable than this, for it was a tax which almost more than any other was liable to that great moral and practical evil, the being open to continual evasion, and with impunity, on the part of all classes of society. The systematic evasion of the law with respect to receipt stamps was best shown by reference to the decrease in the duty received by the Government from this source. Notwithstanding the greatly increased number of payments which were now made, the revenue from receipt stamps was falling off every year. In the year 1848 the amount derived from receipt stamps was 162,750*l.*; in 1849, 185,707*l.*; and in 1850, 153,768*l.*; whilst in 1823, when the population was much smaller, the tax produced 185,000*l.* Another great objection to the tax was that the Commissioners of Inland Revenue were, under its operation, made the tools of unprincipled informers, who applied them to the purposes of the most flagitious extortion. The tax was altogether inoperative for good, since the practice had become so general of paying and receiving amounts from the smallest to the greatest, without any stamped formalities, that even to offer, much less to receive, a stamped receipt was now considered a commercial imputation, a personal insult. The opinion of the commercial world, as well as of the general public, was altogether opposed to this tax. He would, with the permission of the House, read a letter which had been sent to one of his constituents by a common informer:—

"London, April 24th, 1850.

"Sir—I have not the least doubt but you will be surprised at receiving this from me, but necessity makes men desperate. I have, in the whole, six of your unstamped bills, which if they should by chance fall into the hands of the Commissioners of Stamps and Taxes, you are aware of what will be the result. Now, the best way to obviate such a chance will be for you to remit me a Post Office order for whatever trifle you can spare in cash, just to cover my present necessity. You shall have, whatever sum it is, returned within three months, as I expect to realise a little money within that time; and I will send you, by return of post, all your unstamped bills. If you feel inclined to favour me, let me have an answer by return of post; if not, I shall not deem it necessary to take any means to prevent the said bills from falling into the Commissioners' hands, which it is very possible they may do, unless care is taken to prevent it. You will please to direct to me, 10, Wilson-court, Wilson-street, Gray's-inn-road, London. You are aware, perhaps, that I have had the misfortune to let the Stamp Office get hold of one or two lots of bills, which I hope you will endeavour to prevent in your case, by complying with my suggestion. You can make an order payable at Mr. Ogg, Money Order Office, Gray's-inn-road, for what sum you may think proper, and by return of post, as I am in great need at present, and you will much oblige me, and also prevent any ill effects arising from the aforementioned circumstances, as I am afraid the Stamp Office will ultimately get hold of all the unstamped bills which I have in my possession, which will be entirely obviated by your complying with my request, as I shall then have it in my power to remit them to you, and you can perhaps take better care of them than if they are left in my hands. * * *

"P.S.—An answer, as I said, by return of post, will much oblige, as delays are dangerous, and I have enclosed one of your bills, that you may know all is right.

"To Mr. Daniel Oliver, Wholesale Grocer."

He held in his hand a memorial from the Chamber of Commerce of Liverpool, recommending the abolition of this tax, and stating as a reason for the abolition, that it was a sound guiding principle in legislation, that duties to which the country had continued to show repugnance, and which the Government had not enforced, should be abolished. He held in his hand a document which had been laid before the Chancellor of the Exchequer in 1828, where he found the same statements were made concerning the malignancy of the persons who gave information as to the evasion of this tax. It was there said, that "they always originated in malice." He had moved for a return with respect to the threepenny stamp, that being the smallest amount of the tax. He found that the sum that had been received in respect of that stamp duty in 1847-8 was 22,075*l.*, and there had been that year 102 prosecutions, and in 1848-9 there was a sum of only 19,846*l.* received, while there were 119 prosecutions. They had seen the manner in which these prosecutions had been got up; and he appealed to the House whether there was any instance where so small a sum was produced by so much annoyance and litigation. He believed that by a small modification of the duty, the Chancellor of the Exchequer might raise, at least, as large an amount of revenue as that which he now derived from it. He would mention one mode in which that might be done. They were all acquainted with the system of paying bills by means of crossed cheques. There had been great doubt thrown on the legality of that proceeding by a judgment that had recently been pronounced by Mr. Baron Parke. That judgment had only direct reference to the case of a cheque crossed with the name of a particular banker; but the reasoning whereon it was founded, applied to cheques crossed in blank. In proof of that he read the following sentence from the judgment:—

> "The crossing a cheque with the name of a banker cannot be meant to operate as an endorsement to that banker; for it is not meant to transfer the property in it to him, and it wants the essential ingredient in endorsements, which is delivery. It cannot be supposed to be something equivalent to a direction to the drawer not to pay to the bearer, but to a particular person only, for it would then come under the operation of the stamp law, 55 *Geo.* III., which excepts cheques payable to bearer."

He was aware that Mr. Baron Parke had thrown out some extra-judicial opinions, from which it might be inferred that crossing a cheque in blank was valid; but the judgment itself proceeded on a different principle, and no reliance could now be placed on the practice of crossing cheques. Now, crossed cheques were a great convenience to society; and what would be easier than to give validity to crossed cheques by the payment of a stamp duty of only one penny, which, he believed, would raise a considerable revenue. There was another mode in which an evasion of the present law might be avoided. If a cheque were drawn on a banker in London within a certain distance from London, a 50*l.* penalty was incurred; but cheques of that description were constantly being drawn. Let permission be given for this to be done upon payment of a duty of twopence. There were various other modes by which validity might be given to instruments upon payment of a small duty, by which means a great benefit would be done to the public. It was not for him to propose substitutes for the duties sought to be repealed; but he had suggested two, and there was no doubt that many others far less objectionable than the present might be devised. When therefore the House had to consider on the one hand the serious objections to the tax, and the facility with which the same revenue might otherwise be raised, he thought it was their duty to accede to his Resolution.

The CHANCELLOR OF THE EXCHEQUER said, he was very much afraid that if he were to assent to the repeal of this tax on the grounds which had been stated by the hon. Member for Newcastle-upon-Tyne, he would soon have but few taxes left. They had long heard that certain taxes pressed hard on particular interests, interfered with some process of manufacture, or diminished consumption; but almost the sole ground on which his hon. Friend had proposed the repeal of this tax was, that people did not like to pay it. The House had very recently negatived the Motion of the hon. and gallant Member for Westminster (Sir De L. Evans) with respect to the duty on carriages; and that Motion was based, like the present one, on the frequent practice of evasion. His hon. Friend the Member for Preston (Sir G. Strickland) had stated some time ago that if they repealed all the taxes which were evaded, there would soon be no direct, and very few indirect, taxes left. The hon. Gentleman (Mr. Headlam) had said that so long ago as 1828, the giving of a stamped receipt was a reflection upon the integrity of the man who paid the money; but he could not see how that could be the case. He did not understand how the enforcing a receipt could be a reflection on the integrity of the man who paid the money. Looking over the list of taxes, he did not think this was one of those which had the first claim to repeal; and the tendency of such demands as the present one was to compel the Government to have recourse to indirect taxation. He confessed he did not much pity persons who incurred hardships by the evasion of the law; they had it in their power to protect themselves. He did not think much of a grievance which could be got rid of so cheaply; all that they had to do was to comply with the law, and then they might set all the informers in the world at defiance. Those, however, were the only grounds on which the hon. Gentleman had moved for the reduction of the tax. He hardly thought the complaints made against it were universal, for almost the only complaints which had come under his notice proceeded from the immediate neighbourhood of the borough represented by the hon. Gentleman, and from the Society of Friends. Looking at the working of this tax, and at the general scope of taxation, he thought that 120,000*l.* or 150,000*l.* a year might be much better applied to the remission or abolition of other taxes than the tax on receipt stamps. The hon. Gentleman had suggested the imposition of a small stamp duty on crossed cheques, and had expressed the opinion that a large revenue might be derived from that source. He (the Chancellor of the Exchequer) could not agree with the hon. Gentleman. He could not see how a revenue could be derived from the stamps to be imposed on crossed cheques, when the public, as the hon. Gentleman said, evaded the payment of the stamp on receipts. The tax on the crossed cheques could be evaded just as easily as the other. He had not yet heard any suggestion likely to act on the consciences of the public, and induce them to stamp any documents; and he was afraid if he gave up the revenue derived from the stamps on receipts, and relied on that to be derived from the small stamp on crossed cheques now proposed, he should find the public just as unwilling to pay it; and hon. Gentlemen in that House therefore, like the hon. Member for Newcastle-upon-Tyne, on the present occasion, moving for its reduction or abolition. He must therefore oppose the Motion, and he trusted that the House, as it had done once before in the course of the evening, would negative the proposition.

MR. AGLIONBY would support the Motion of the hon. Member (Mr. Headlam) not to remit, but to alter, this mode of taxation; and he trusted that the hon. Gentleman would go to a division upon the question, that the public might see who were, and who were not, in favour of this proposal. The majority would not be given to the right hon. Chancellor of the Exchequer because of his arguments, but for another reason, which so often gave a majority to those benches. It might be true enough, that on a remission of taxation there were taxes to be selected in preference to this; but what right had the right hon. Chancellor of the Exchequer to say that this Motion was for remission of taxation? [The CHANCELLOR of the EXCHEQUER: Have you read the notice paper?] Yes; those might be the particular terms of the Motion; but the hon. Member did not desire a remission of taxation, but contemplated rather an increase of revenue. It was not put on the ground that people did not like to pay the tax, but that they did not pay it. How often did the right hon. Gentleman evade the tax himself? What Member present gave stamped receipts in his daily transactions? It was not done once in a hundred times. But nobody would object to a uniform penny stamp, just as nobody minded paying for the postage stamp. Tradesmen would be in the habit of making out a bill upon a sheet with a penny stamp upon it; whereas now, if you asked a tradesman for a stamp receipt, he stared at you in astonishment for doubting him. The evasions were really terrific in extent.

MR. BROTHERTON apprehended that the Motion was to abolish receipt stamps. [Mr. AGLIONBY: The present receipt stamps.] He could not give his consent to that; but it was evident that the revenue from this source under the present system of levying it was decreasing, and he thought a uniform penny stamp would be far more productive. The amount being so trifling, a regular system would prevail, and people would carry these stamps in their pockets. There was a growing feeling in the country in favour of that plan. The present duty fell hard upon those who, like the Society of Friends, had a conscientious feeling about the matter, and who contributed more than their fair proportion to this revenue.

COLONEL THOMPSON would say, in answer to the appeal to Members of the House, whether they were not in the habit of declining to give or take receipt stamps, that he never did such a thing in his life. It was against his interest to decline a stamp, for he put himself in the power of another to the extent of the money paid. He never knew any one refuse to give a receipt stamp if asked. There was a feeling of honour about it. Take the case of landlord and tenant, for instance; it would not be handsome to refuse. Tradesmen, in general, did not feel any objection to give a receipt stamp, which they thought a fair demand on the part of one who paid a debt—a thing that was more than everybody was in the habit of doing.

Mr. HINDLEY expressed his hope that the right hon. Chancellor of the Exchequer would direct his attention to the suggestion of a uniform receipt stamp. The introduction of such a measure would be just to all parties, and would give general satisfaction.

Motion made, and Question put—

"That, in the opinion of this House, the present Stamps imposed upon Receipts should be abolished."

The House *divided* :—Ayes 28 ; Noes 61 : Majority 33.

MAILS TO AUSTRALIA.

Mr. FITZSTEPHEN FRENCH moved for copies of the contract which were entered into with Mr. Walton for the carriage of the mails to Australia, and to the West Indies and the Brazils. He found, on inquiry, that the contract with Mr. Walton had not been completed, and that only a provisional contract had been entered into, and that no security had yet been taken by the Board of Admiralty. He believed the route by the Cape was the only one by which emigrants from Europe could reach Australia; and this was the moment chosen by the Admiralty to limit their mails to every alternate month. The Admiralty had the means of carrying out the communication through established companies, whose capital was paid up, and whose vessels were ready to perform the voyage. They had received offers from one company at least to carry the mails to Australia by the Cape, and he believed they would carry them at a small rate monthly; but notwithstanding this offer, they had entered into an arrangement to carry the mails at a lower rate and at an impossible speed, with a gentleman whose company was not yet formed; and if the statements in circulation were correct, that the performance of the contract would entail a loss of 6,000*l.* per voyage, he thought it would be impossible for such company to be established. He wished to know if the Admiralty had ascertained whether the gentleman in question would be able to procure sufficient resources to enable him to get beyond the Cape. It was incumbent on the House to see that such contracts were likely to be carried out. In some cases of contracts large penalties had been incurred, but no steps had been taken to enforce them; and he believed that before the expiration of such contracts fresh ones had been entered into at most favourable rates; and if the returns for which he moved should be granted, he should be able to show that 200,000*l.* a year had unnecessarily been given to that company for twenty years, causing an expenditure to the country of 4,000,000*l.* He understood that a copy of the contract entered into with the West India Company for the conveyance of mails to the West Indies and the Brazils had already been laid before the House, and also that a tender had been made by the Screw Company for the carriage of mails to the Brazils for 80,000*l.* a year, whilst the old contract was not less than 270,000*l.* a year. If such an offer was in existence, he did not suppose there would be any objection to its production; and if not, he trusted a direct negative would be given to the statement, that a fresh contract had been entered into at the rate of 270,000*l.* a year.

Mr. COWPER was glad the hon. Gentleman had moved for papers on the subjects to which he had adverted; for it was only in the absence of any correct information that the hon. Gentleman could have made his statement. He spoke of a certain conditional or provisional contract which be supposed to have been made with Mr. Walton. The fact was, that the tender having been some time ago received, it was necessary to prepare a formal document, called "articles of agreement," which were of considerable length, and which had not yet been signed. It was useless for the hon. Member to move for the contract, because, not being signed, it was not legally in existence. As soon as it was signed, the Admiralty would be happy to produce it. He was surprised the hon. Member should bring so many accusations against the company. He said that they had no vessels. [Mr. F. French: That they are no company.] On the contrary, he (Mr. Cowper) was told that they were a company; that they had applied to the President of the Board of Trade for a charter of incorporation; that the Board of Trade had no objection, and had signified their intention to grant the charter. He could not say whether all the legal preliminaries had been gone through; but he expected before long that every formality would be complied with. He was also informed that the company had got two screw vessels of great speed capable of performing the services with efficiency. He believed there was not the slightest foundation for the accusations brought against the company by the hon. Gentleman. With respect to the statement that an offer had been made to perform for 80,000*l.* that service in the West Indies which was now performed for 270,000*l.*, he knew not where the hon. Gentleman had heard of such a proposition. Any document referring to it which the hon. Gentleman could point out, would be new to him. The statements of the hon. Gentlemen were founded on mistake and misapprehension. With respect to the contract for mails to Australia, the Admiralty had taken the simple course of calling for tenders, accepting the lowest, and giving the persons who had accepted every facility they required for the execution of their contract. Under these circumstances the Admiralty could not have acted otherwise than they had.

"Copies *ordered,* 'of the Provisional Contract entered into with Mr. Walton for the carriage of the Mails to Australia; and the tender made by the said Company for the conveyance of the Mails to the West Indies and the Brazils.'"

PARLIAMENTARY REPRESENTATION.

Lord DUDLEY STUART moved an Address for sundry returns in connexion with the proposed alteration of the Parliamentary franchise.

The CHANCELLOR of the EXCHEQUER said, there was no objection to give the information required by his noble Friend, but he hoped he would not press his Motion in its present shape. A portion of the information would be given in returns moved for by his right hon. Friend the Home Secretary, and another portion in the plan promised by his noble Friend at the head of the Government to the hon. Member for Manchester, both of which would be ready in a few days. With regard to giving the precise number of 5*l.* houses, it was obvious that it could not be stated until Commissioners were sent down to report on the boundaries. He hoped his noble Friend would not move for what would only be duplicate returns.

Sir BENJAMIN HALL said, that the return moved for by the hon. Member for Manchester was for a map setting forth the boundaries of the proposed new boroughs, and the existing boroughs; but what his noble Friend and Colleague asked for was a return of the population of the proposed new boroughs—that was, the number of 5*l.* householders in each of these aggregation of boroughs. He was

looking through the return the other day of the number of 10*l.* houses in some of the old boroughs which formed part of Schedule A in the first Reform Bill, and which, strange to say, were now to be resuscitated in Schedule B, and he found that one of those boroughs had only fourteen 10*l.* houses in it. That place was to form a part of a new borough by being added to one of the boroughs which now returned Members to Parliament. Before the House went into Committee on the new Reform Bill, the Government ought to inform them what was the number of 5*l.* householders in those miserable and contemptible boroughs put together in Schedule B. The Government said that those boroughs in themselves were not fit to return Members to serve in Parliament; therefore, in order to make them fit, they proposed to join them to other places which already returned Members. The object of his noble Friend was to learn how fit those places would be after having been put together. Calne was unfit, Abingdon was unfit, and so on for sixty-seven boroughs. The question was, how were these places by the addition of other equally unfit boroughs to be rendered fit? Previous to the passing of the first Reform Bill, all this information was given, and it was equally necessary that similar information should be afforded now.

Sir GEORGE GREY said, his hon. Friend was under a complete misapprehension as to the information about to be laid before the House by the Government. Not only would the information asked for by the hon. Member for Manchester be furnished, but the whole of the information which the noble Lord (Lord D. Stuart) wished to obtain would be afforded, so far as the Government could give it. But it was impossible to give the number of 5*l.* householders of those boroughs, the boundaries of which had not been accurately fixed. If his noble Friend would wait a few days, he thought the return that was about to be made would give him all the information that the Government could at present obtain.

Lord DUDLEY STUART said, that after the appeal of his right hon. Friend, he could not refuse to wait a few days; but if the information he required should not then be supplied, his right hon. Friend must excuse him if he should repeat his present Motion.

Motion, by leave, *withdrawn.*

The House adjourned at Eleven o'clock.

HOUSE OF COMMONS.

Wednesday, February 18, 1852.

Minutes.] Public Bills.—1° Copyright Amendment.

2° County Rates; Public Houses (Scotland); Enfranchisement of Copyholds; Commons Inclosure.

COUNTY RATES.

Order for Second Reading read.

Mr. FRESHFIELD said, that the object of the measure of which he now moved the Second Reading was, to consolidate the existing laws relative to the County Rates, and to introduce some Amendments. Under this Bill not a single shilling could be raised which was not already imposed under the Acts of Parliament now in force; nor would any person be subjected to any liability to which he was not already subject. It was absolutely necessary that the law should be rendered consistent with itself. It might be known to many Members that the 55th *Geo.* III. c. 51, under which rates were levied, caused great dissatisfaction in consequence of the inequalities and irregularities which took place in the working of that Act, and there was a very general complaint that many parishes were not rated in due proportion. They were indebted to the late Member for Kinsale (Mr. Hawes) for the proposal of a Special Committee which was appointed on this subject. After a long investigation, and eight different reports, in the county of Surrey, the result was to convince the magistrates that they were not bound to receive from the various parishes the accounts, as they returned them, of the rateable value of the property of the parish, but that they had the power of investigating what was the rateable value. The consequence was, that in the county of Surrey the basis for the rates was increased from 2,000,000*l.* to 2,200,000*l.*; in other words, the county rental liable to poor-rates upon which the county rate was assessed had been understated to that amount. These proceedings having become public, they attracted the attention of his hon. Friend the Member for South Devonshire (Sir J. Y. Buller), whose assistance he had in promoting the present measure; and he introduced a Bill which had for its object the appointment of a committee of magistrates, who were to decide what was the rateable value of the property in each parish. The committee was to consist of eleven members, or not less than five, and three were requisite to constitute a quorum. That Act he proposed to amend, and in its amended state to re-enact. The 55th *Geo.* III. had this defect, that having ascertained the rateable value of the property in each parish in a county, it gave an appeal in the event of a grievance, but without stating the number of days' notice which should be given. The 56th *Geo.* III. stated the length of notice, but omitted to state the party to whom it was to be given; and the 57th *Geo.* III. stated very inartificially the party to whom notice should be given. The framer of the Act intended not only to remedy that defect, but to remove another evil. By the Act 55 *Geo.* III. c. 51, the magistrates at session might give relief in the event of an appeal, but it was stipulated that the cost should in no case fall upon the county stock. This was considered very unjust; but, intending to repeal the provision, the framer recited an Act in which there was no such clause, and the consequence is, the provision still remains in force. The hon. Member for South Devonshire, by his Bill, gave an appeal, but confined it to the next session after the rate should be allowed, and no appeal after that, except against the assessment—not against the basis upon which the rate was assessed; and therefore the next rate or assessment would be made on the former standard, against which no relief could be obtained, and the parish, should there be twenty rates, was compelled to incur the expense of twenty times appealing against twenty rates, and yet remain liable to be rated upon the same amount of rateable value, because after that basis had been confirmed, no power of correcting it existed, but by going again through the original form, and establishing a new basis. These were some of the inconveniences which he intended to remove by the present Bill. In the Acts to be consolidated, the terms county rate, basis, and assessment, were used as identical, although they related to distinct parts of the object to be attained: for instance, the basis was the several amounts of the rateable value in each parish, the aggregate of which would be the county rental. The county rate is the sum multiplied by the number of pounds in the basis or county rental, which will give the sum to be raised for the county expenditure; thus, suppose the expenditure to be provided for should be 8,300*l.*, and the county rental, that is, the aggregate of the rateable value in the county to be two millions—the rate to be declared would be one penny in the pound sterling; and, lastly, the assessment would be the proportion to fall upon each parish according to its rental; and assuming parish A to stand in the basis as having a rateable rental of 8,000*l.*, it would be assessed to pay 8,000 pennies, or 33*l.* 6*s.* 8*d.* One object of this Bill of consolidation would be to keep these parts of the transaction distinct, but placed in their natural order. He proposed, therefore, that a basis should be formed on the machinery of his hon. Friend's Act, the 8 & 9 *Vict.* c. 39. The parishes will be rated in a certain proportion, and one month would be given to them to deliver any objections to that proportion. The committee to be restrained from reporting to the session within the month, and they are only to report after the objections have been argued and decided. When the sessions have framed a basis, there will be an appeal, not only to the next session, but at any time when the varying value of property shall render relief just. Besides this, it is proposed that there should be constituted a committee, to be called the County-rate Committee, appointed by the magistrates year by year, and changed from time to time, as it may appear right. The committee should have the power to investigate the claims of any parish to be relieved in consequence of the altered state of the parishes; but no determination upon their part should be binding until reported to the magistrates in sessions. He was bound to call the attention of the House to the fact that he proposed, with a view to an equal rating, material changes in the mode of estimating the relative value of property in the several parishes. He especially directed the attention of the House to the 6th clause. At present the county rate was assessed upon such property as was liable to be assessed for the relief of the poor by the 6 & 7 *Will.* IV. It was enacted, that in the first place should be ascertained the gross estimated rent, the rent at which the property might be expected to let to a tenant from year to year, repaying all rates and taxes—and from that estimated rent should be deducted the annual average cost of repair and insurance, and other expenses (if any) necessary to maintain such rent, and then the remainder would constitute the rateable value. That provision of deducting for repair and insurance, he hoped to prevail upon the House to alter: it was, in fact, the great source of the inequality which so many of the acts of the Legislature had sought to remedy. The deduction was not necessary to the interest of any parish, if every parish was rated by the same rule; but in some parishes 10 per cent was deducted for repairs, in others 25 per cent, and some have deducted so much as 50 per cent, and have made deductions upon the rent of land even where there were no farm buildings. So long as they permitted these deductions, rating could not be made upon any uniform principle. His object was, therefore, to establish a principle applicable alike to every parish: it was a question between each parish individually and all the other parishes, and not between counties and the parishes within. The hon. Member then gave illustrations in argument to show that it was immaterial upon what sum a parish was assessed, whether above or below the real value of the property rateable, provided that all the other parishes were made subject to the same rate of proportion.

MR. BOUVERIE would not, on the part of the Government, oppose the second reading of the Bill; but he confessed that he had strong misgivings as to the beneficial operation of it. The measure appeared to him to be liable to several objections. A preliminary one was this: while the Bill professed to consolidate the law, it only consolidated a portion of it, leaving many important points untouched. The Acts of Parliament relating to assessment were very complicated, and it was desirable that they should be carefully considered; but he did not think it desirable to consolidate some and leave others untouched, for that would create greater confusion than before. There were other details in the Bill to which he objected. Its main feature was to alter the phraseology of the law of assessment, which would make it unfamiliar to those who were in the habit of dealing with it as it at present stood. The Bill also proposed to make a great alteration in the principle upon which rating is at present based. In the measure brought in by an hon. Member, for assessing the poor-rate, an attempt was made to get at the net annual value, making deductions for repairs and insurances. He did not mean to say there were not difficulties in achieving this, but he did mean to say that the principle was the correct one. Unless the hon. Gentleman (Mr. Freshfield) was prepared to show that all property was subject to a fixed charge, his argument as to the variations of the deductions was worth nothing. For different kinds of property different amounts of deduction should be permitted, and it would work great injustice to say, "You shall only be allowed so much, no matter what is your real expenditure." Onekind of property might require only a deduction of ½ per cent, another a deduction of 10 per cent.

Mr. H. HOPE tendered his thanks to the hon. Gentleman (Mr. Freshfield) for the labour he had bestowed upon this Bill. The method of arriving at the net annual valuation of property was one which had an especial reference to the new Reform Bill. The elective franchise was to be based upon the net value. He know no means of obtaining a just estimate of that net value, unless by a very troublesome and expensive process, namely, appeals upon assessments. He did not know whether, when the proper time arrived, the Government would consider the question; but this he knew, that the Reform Bill could not be established on the present basis by which assessments were made. He trusted that his hon. Friend would give them some means not only of arriving at the gross annual valuation, but also the means of testing the proper reduction on the net annual value.

Mr. HUME was pleased that this discussion had taken place, not because this Bill could be made more valuable for the purposes for which it was intended, but because it had served to show a difficulty which would attend the working of the Reform Bill, if not attended to in time. In the assessments for the poor-rate, allowances were made for repairs, but in the income tax no such thing was done. He could point to parishes where the same valuable land was assessed at two widely different rates. The noble Lord at the head of the Government would find it impossible to have a fair representation on the rateable value unless there was a general valuation of the whole country by the same individual. It appeared to him that the Government ought to ask the hon. Gentleman to suspend his Bill, and then bring in a general Bill by which all the parishes would be rated equally.

Mr. CORNEWALL LEWIS said, that the present law required that the valuation for poor-rates should be equal as between different tenants in the same parish, and that the valuation for the county rates should be equal as between the different parishes in the county. For estimating the county rate the machinery was tolerably good; but with respect to the poor-rate valuations, it was certainly true that there often existed a great inequality. Great good would be effected if a stricter supervision of the different parochial assessments was introduced. He objected to the principle which his hon. Friend (Mr. Freshfield) now proposed, that of establishing a different basis for the county rate and the poor-rate. If they once admitted that principle, it would be impossible to have the same assessment for the county rate and the poor-rate. Every county and every parish would then be necessarily put to the expense of having a double assessment for these two rates. There was nothing to prevent the machinery of the present law being improved, but he did not think that any further power given to the magistrates would add to the strength of the present law.

Mr. HENLEY thought the difficulties which had been raised in the course of the debate were of so formidable a nature that his hon. Friend (Mr. Freshfield) must be a courageous man if he should attempt to encounter them. It seemed to him that the Reformers of England had a very discouraging prospect held out to them by the hon. Member for Montrose (Mr. Hume), who said that no rateable value for the franchise could be had until all the property in the kingdom had been valued by the same persons. If that were so, it would be impossible to have an equal rate, even in one county, for by the time the party had gone through the whole county he would have to begin again, such would have been the variation in value of property by buildings and other improvements in the meanwhile. The only thing they could hope to reach was an approximation of value. They could not get anything like an equality, and therefore they must be content if now and then there were some apparent inequalities. He had had something to do with the making of county rates in his time, and he knew there were descriptions of property which required very large deductions; and he could not conceive any principle so unjust as to take cottages in towns let at high rents as the measure of value on which the assessment was to be made, and to put on the same footing with them land on which hardly any buildings were erected. All he could say was that he thought the time of the House was wasted in discussing such a measure.

Mr. HUME explained that what he

wanted was, not that local parties alone should assess the value, but that they should do it in connection with an officer of the Crown, acting in accordance with certain rules by which the valuation might be made as equal as possible.

Mr. FRESHFIELD said, he felt no alarm or nervous affections in consequence of the hon. Member's caution. The Bill was one of the most simple in operation, and he anticipated no difficulty or serious obstruction to its passing through the House.

Bill read 2°.

PUBLIC-HOUSES (SCOTLAND) BILL.

Order for Second Reading read.

Mr. FORBES MACKENZIE moved that the Bill be read a Second Time, and that it should be afterwards referred to a Select Committee. He felt perfectly satisfied that if it were referred to a Select Committee, the result would be a Bill which would please all parties.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Mr. HUME said, that this Bill was opposed generally by the people of Scotland. He was extremely unwilling to take up the time of the House, but he hoped they would excuse him whilst he stated shortly why he objected to the Bill. He objected to it on principle, because it was supposed by the promoters that by limiting public-house licences the tendency to excessive drinking, which he was sorry to say had been too common in Scotland of late years, would be discouraged. He was as anxious as any individual connected with that part of the Kingdom could be that a remedy should be found, if possible, for the excessive drinking habits which obtained there; but he believed this Bill would only add to the difficulties in the way of preventing the evil, because it would give to a few persons only the power of granting licences, which they might exercise with partiality or caprice; and that proceeding would only add to the evil. He might inform the House that the Scotch Members had a meeting yesterday to consider the provisions of the Bill. Twenty-eight members were in attendance, of whom not one approved of the measure. The hon. Member for Peeblesshire (Mr. F. Mackenzie) himself only approved of one clause. All agreed on one point, that it was the duty of Members connected with Scotland to ascertain, if possible, the extent of that demoralising vice of drunkenness, and to contrive the best means of removing it. With that view the meeting unanimously agreed that a Committee should be appointed on the subject, and that they ought to have the authority and countenance of the Government in some way or other, in order to obtain a full and fair, and not a partial, inquiry. A division took place in the meeting on the point whether they ought to reject the Bill, and recommend the appointment of a Committee, not fettered by any of the clauses of the Bill, but open to the examination of witnesses in a perfectly full and fair way. That proposition met with considerable support; but on a division whether the Bill should be proposed to be read a second time or not, he (Mr. Hume) was bound to say that twelve voted in favour of it—those twelve, however, differing among themselves as regarded the merits of the Bill—and sixteen for rejecting the second reading, and in favour of an independent Committee. He thought it was important to state to the House one or two facts which he hoped would regulate the votes of hon. Members on the question now before them. The Bill proposed to appoint a Committee of Justices of the Peace, and to invest them with the power of granting licences; and that was done with the view of reducing the number of licences for the sale of spirits. He had obtained certain returns bearing on this question from two or three places in Scotland. For the last eight or ten years a Committee had been in existence in Edinburgh, who were exceedingly anxious to put down the vice of drunkenness, and through whose exertions the number of spirit licences had been considerably reduced. It appeared that the number of licences in that city in 1830 were 872, and in 1851 they were 516, showing a reduction of 356 in that period. In the county of Edinburgh the number of spirit licences in 1830 was 706, and in 1850 it was reduced to 449, making a total of 613 licences less in the city and county in 1851 than in 1830. He would now ask if, in consequence of that reduction of licences, there had been any commensurate benefit? None; the vice of drunkenness had been continued. The parties addicted to it had been driven into holes and corners to gratify their propensity, and in that and various other ways the vice of drunkenness had been carried on, and continued to increase. What benefit, therefore, could accrue from a proposition which aimed at a reduction of the licences all over the country? In Renfrewshire the spirit licences in 1828 amounted to 1,203, and in 1850 to 877, showing a decrease of 326; and yet the vice of which they complained had increased more perhaps in that county than in any other in Scotland, although it was but fair to say that it was attributed to the number of Irish labourers that had been introduced. Looking at those facts, he submitted, the reduction of licences would not have the effect which was expected of putting an end to drunkenness. In Sutherlandshire and Ross-shire he was told the trial had also been made, and had been equally unsuccessful. Now, let him ask the House, with those results before them, whether they were not in condition to avail themselves of the benefits of the different systems which prevailed in England? In the city of London there was no limitation in the licensing of beer-shops except as respected the situation of the premises where the beer was proposed to be sold. He (Mr. Hume) looked back with great satisfaction to the improvement which had taken place in this metropolis in the habits of the people. They no longer saw the streets crowded with drunken people as was the case about 1830, and as is the case now in Glasgow and Edinburgh. Twenty or thirty years ago to such a height had the vice of drunkenness reached, that no man could pass a spirit shop in London without seeing numbers of wretched creatures at the door waiting for some one to treat them to a glass of gin, or reeling away drunk. In 1831 the number of persons taken into custody by the police for being drunk was 41,736, of whom, in round numbers, 22,000 were males, and 18,000 females. Since that period considerable alteration had taken place. A great number of places of public amusement and recreation had been opened, and the monopoly in the sale of spirits and beer had been discontinued. What had been the effect? Why, an actual reduction of the number of persons taken into custody for drunkenness; for he found that in the course of the last year the number of such persons was only 23,6000, or, in round numbers, 13,000 males and 10,000 females. In other words, while the population of the metropolis in the twenty years from 1831 to 1851 had increased 542,000, the decrease in the number of drunken persons in it amounted to no less than 18,000. Again, in 1831, the number of disorderly persons taken into custody in the metropolis amounted to 10,000, 7,000 males and 3,000 females; and in 1851 this number was reduced to 6,000. By allowing the unrestricted sale of beer in London, drunkenness had decreased one-half; while under the other system the vice had been on the increase in Scotland. He would therefore ask the House to reject the Bill, and to appoint a Committee instead, to inquire into the causes of the increase of drunkenness in Scotland, and of the decrease of it in England. He would offer himself as a witness before that Committee, and he thought he should be able to prove that the system adopted in Scotland was likely to increase instead of decreasing the vice. He would not at that moment go into the question of the education of the people; but he would say, that by the liberal conduct adopted in London, in opening public places of recreation for the people, such as the National Gallery, the British Museum, and the parks, they now had it in their power to spend their leisure in a safe and pleasurable way, instead of in public-houses. He admitted that there never was a man more desirous of improving the morals of the community than Lord Kinnaird, whose Bill this was commonly called; but he (Mr. Hume) submitted at the same time, with all due deference to the promoters, that they were taking a wrong course. They might reduce the number of public-houses in Scotland; but unless some other places of recreation were given to the people, experience showed that drunkenness would not be decreased. He would now say that the noble Lord (Lord John Russell) did all his power to comply with a request made by him (Mr. Hume) on behalf of the people with regard to the throwing open of the Tower and our great cathedrals and abbeys. The right hon. Gentleman the President of the Board of Control, then Under Secretary for the Home Department, was the organ of communication between him and the noble Lord, and he congratulated them both on the success of the measures they then adopted, by which, as they now saw, drunkenness had been so much decreased. Let them, therefore, pursue such a course as would enable them to gain information as to the means of carrying out the same system in Scotland. He would now recommend the withdrawal of the Bill, with the view of having a Committee appointed to inquire into the question of drunkenness in Scotland, its causes, and the best means of repressing them. He was one of those who, thirty-five years ago, foretold that the making more stringent laws against public-houses would fail, unless more facilities for rational recreation were given to the people. He was of opinion now, that if the malt duty was taken off, it would have the best effect in improving the morals of the people both in England and Scotland. He wished to see the people of Scotland return to their ancient habits of industry, sobriety, and economy—which good qualities, he was sorry to say, were effaced among many of them—and with that view he would move the postponement of the Bill.

Amendment proposed, to leave out the word " now," and at the end of the Question to add the words " upon this day six months."

VISCOUNT DRUMLANRIG said, the Bill at present was only a mere skeleton compared with what its promoters hoped it would be after receiving the consideration of the Select Committee to whom it was proposed to submit it. By the appointment of that Committee, moreover, he thought the very end which the hon. Member for Montrose (Mr. Hume) had in view would be attained. There was a much greater likelihood of some good result if they went into the Committee with a Bill prepared for their consideration, than if they went without one. He hoped that some English Member would be appointed to serve on the proposed Committee, for, after what had been said about the drunkenness of Scotchmen, he was afraid that the House might suppose that even the hon. representatives of Scotland were not free from the taint.

MR. ALEXANDER HASTIE said, he regretted as much as his hon. Friend (Mr. Hume) that they had so much drinking in Scotland; but at the same time he probably had as much knowledge of Scotchmen as any Member in that House, and he was prepared to deny that the drinking habits of Scotland were at all on the increase. He believed that the consumption of spirits in Scotland had largely diminished, and that the habits of the Scotch people were very much improving in that respect. In 1816 the spirit licenses in Glasgow were as many as 1,651, being one out of every seventy-four in the population, which at that time amounted to 120,000; while in the present year, when the population was nearly treble, the number was 2,030, being in the ratio of one to 164. The object of the Bill was to throw the power of licensing into the hands of certain persons who were very likely to do it for improper purposes. He only wished to disabuse the House of the notion that drunkenness had increased among his countrymen, which was not the case. He wished the subject to be dealt with by a Committee comprising English and Irish as well as Scotch Members.

MR. FOX MAULE said, it appeared to him that the propositions on each side of the House did not differ very materially in their object. While his hon. Friend the Member for Peeblesshire (Mr. F. Mackenzie) asked to send his Bill to a Select Committee, his hon. Friend the Member for Montrose (Mr. Hume) proposed to negative the second reading of the Bill, and to refer the whole question to a Committee upstairs, upon the report of which Committee a Bill might hereafter be introduced. But he thought, as the hon. Member for Peeblesshire had placed his Bill before them, whether the proposition it embodied were in all respects such as to meet the case, it was but fair that the House should send that proposition for consideration to a Committee. There were many points in the Bill from which he differed as much as his hon. Friend the Member for Montrose; but he felt assured that if the Bill were sent to a Committee upstairs, with power to call evidence, all that his hon. Friend wished would be obtained. He (Mr. F. Maule) wished that he could convince himself of the truth of the view taken of his countrymen by his hon. Friend behind him (Mr. A. Hastie), with reference to the prevalence of this sad vice. He was not one who would say anything derogatory to the character of his own country; but he could not conceal from himself that in Scotland, with a population not amounting to 3,000,000, there was a consumption of raw spirits of not less than 6,000,000 gallons a year. So that upon a calculation it appeared that for every individual, from the man who was upon the very verge of the grave, down to the infant who had just entered life, there was an average consumption of spirits of near two gallons and a half per annum. It had been stated by his hon. Friend (Mr. A. Hastie) that the number of licensed public-houses in Glasgow for the sale of spirits had decreased from the rate of one to every 74 inhabitants to one in every 164; but surely this was a most frightful state of things. The idea that in a city containing 350,000 inhabitants there should be houses capable of deriving a profit from the sale of ardent spirits in the ratio of one in every

164 individuals of that population, young and old, was monstrous, and he could only hope that some remedy might be devised for such a state of things. English gentlemen had no idea of the enormous consumption of spirits in Scotland. He rather agreed with his hon. Friend the Member for Montrose, that if they could do nothing else in this matter than adopt the open system of granting licences by the Excise, it would be more preferable than the system which at present existed, which was that every grocer's shop was open for the sale of various other articles besides those of grocery. They sold bread, and they were allowed licences for the sale of spirits. Now, this had a double effect. It infringed upon the rights of the fair trader in the article of bread, because, while the honest baker sold his bread at the market price, the grocer undersold him. But how did he make up the difference? Why, by selling at the same time that which was the bane of his countrymen—ardent spirits. It was to that system that he traced much of the demoralisation of his countrymen and of his country. It was in those grocers' shops that the servant girls first learned to taste spirits, and in which the youth of the country acquired their early taste for them; and, he said again, he would rather see the gin palaces of London established at the corner of every street in Glasgow and Edinburgh, than that this system of the sale of spirits at grocers' shops should be continued. If the sale of spirits were confined to public-houses, the lads and young women would be seen going into them, and a sense of shame would make them desist; or, if they resorted to them, the brand of infamy would be stamped upon them. Whereas at present they went surreptitiously into these grocers' shops, where they acquired a taste for raw spirits, which grew upon them, so that they went on from vice to vice, till it finally ended in their irretrievable ruin. He had been told by those who were old enough to know the fact, that the time was when beer was the general article of consumption with the people of Scotland; but he feared that if every facility were given for setting up beer shops it would fail, from the simple fact that the people would not resort to them to drink it. He thought it their duty to trace the means by which the consumption of spirits could be controlled; and if it could not be controlled, that it should at least be made more public than it was at present. The hon. Member for Montrose had very properly stated that one great means of inducing the people in large cities to forego public-houses was to afford to them sources of public amusement, where they might spend some portion of their leisure. He did not believe that there was a finer public park in Europe than in Edinburgh, to which the people might resort; but if his hon. Friend really wished to give the people these useful resorts, he must not be too parsimonious with the public purse. The people of Scotland would be most happy to establish museums, and render them accessible to the public, provided means were afforded for that purpose. But, if they were required to furnish amusements for the people, it must be at the public expense. He would entreat the House, as they had arrived very nearly at one point in opinion, to let the Bill be read a second time. By doing so they would commit themselves only to this principle, namely, that the consumption of spirits in Scotland was great, and ought to be diminished.

MR. OSWALD admitted that the consumption of spirits in Scotland was very great, and ought to be diminished; but it was because he did not think that any legislative measure could effect the diminution desired, that he arose to support the Amendment of the hon. Member for Montrose. They were told in the preamble of the Bill that the number of public-houses in Scotland was excessive, and ought to be diminished. Now, if ever there was a case of putting the horse behind the cart it was this. The preamble alleged that, because drunkenness existed in Scotland, the public-houses in that country necessarily caused that drunkenness. They could not extinguish the love of ardent spirits by any act of that House; and he took the liberty of saying that this Bill was a piece of the purest humbug that he had seen in all his existence. Now, what did they propose to do by this Bill? They proposed to appoint a committee of justices of the peace, who were to put an end to the consumption of whisky in Scotland. English Members did not exactly know what justices of the peace were in Scotland. He had a great respect for that learned body (of which he was a member), but he must confess that they had very little business to do, except looking after poachers; they very seldom attended to any other business but that. It was a thing next to impossible to get a respectable working assemblage of justices of the peace at the quarter-sessions in Scotland.

He was speaking of Ayrshire. The result would be, that if the House passed this Bill, they would just establish a committee of jobbers who would act in the most arbitrary manner, and be constantly subject to the imputation of partiality, whether they acted rightly or wrongly. What had they done with the burghs? In Ayrshire there was something like five royal burghs, and they would be represented in the proposed committee in the proportion of about five to twenty. Was that fair? They were were very much mistaken if they thought the people in Scotland would submit to such a proposition. The appointment of the proposed committee would take away the very means by which the putting down of public-houses could be most effectually accomplished. A committee, such as was proposed, would deprive local experience of its due weight. The local knowledge of one justice of the peace would have no avail against the decision of ten other justices, who would be found to be entirely ignorant of the matters submitted to them. He would venture a prophecy on this matter—this Bill would not diminish the number of drunkards in Scotland by so much as one; its only effect would be to give a monopoly to the existing public-houses. If this Bill were passed, the licensing system in Scotland, which was already bad enough, would become a gigantic and intolerable job, from beginning to end. One of the most ardent supporters of this Bill—the hon. Member for Peeblesshire (Mr. F. Mackenzie)—admitted that he approved of only one clause in this Bill of twenty-six clauses. It would seem that the Bill was about to be referred to a Select Committee, with the view of its entire reconstruction; but was that the way in which the House of Commons ought to do business? Was the House going to delegate the whole of its functions to a Select Committee? He regretted the course which Her Majesty's Government had adopted with reference to this measure. He thought it was a matter of such importance that they ought to have taken it into their own hands. He extremely regretted that pressure of public business would deprive the people of Scotland of the active co-operation of the right hon. Member for Perth (Mr. F. Maule), whose talents, industry, and conciliatory conduct had gained for him the love and esteem of every Scotch Member in that House, of whatever shade of politics. He (Mr. Oswald) did not know whether he had said too much. Perhaps he had, but he had been carried away by a feeling of patriotic enthusiasm. He had been many years in that House, and had seen many attempts of amateur or volunteer legislation, but they had all been unsuccessful. This, he believed, was an attempt of that character, and he therefore protested against it. If the Government thought this was a measure that ought to be supported, he was sorry they did not take it out of the hands of the hon. Gentleman the Member for Peeblesshire. If they did not take it out of his hands, he (Mr. Oswald) wished the hon. Member for Peeblesshire had waited until he could have brought it in himself from the other (the Government) side of the House. Yesterday there was a meeting of twenty-eight Scotch Members, including the Lord Advocate and the hon. Member for Montrose, and a majority of sixteen to twelve was against the Bill. This was an effort to browbeat and humiliate the inhabitants of the large towns of Scotland.

Mr. MACGREGOR regretted that a single Member of the Government could be found to give his support to such a Bill as this, objectionable as it was in principle, and at variance with every sound commercial maxim. For his own part, he believed it would be utterly ineffectual as a remedy for the drunkenness which prevailed in Scotland, and that Parliament would never be able by legislation of that sort to make the people of Scotland less drunken or more moral than they now were. In his opinion, the only real mode of correcting the evil was to adopt a general system of education. Although a great deal had been said about the drunkenness which existed in Glasgow, he believed that by far the greater portion of it was to be found among the Irish in that town, or in those other portions of Scotland where the operation of the poor-law had been carried out with the greatest oppression. Instead of this Bill, therefore, he would recommend the appointment of a Committee of Inquiry into the general moral condition of the Scottish people.

Mr. CUMMING BRUCE said, his countrymen appeared to him to be placed in a most unfortunate predicament. For while every one allowed that a great, serious, and crying evil existed in Scotland, and that the demoralising and brutalising vice of drunkenness was increasing there; it was now urged that legislation—amateur or volunteer legislation, as his hon. Friend (Mr. Oswald) termed it—would be productive of no beneficial results. But it was not in that spirit that the House of Commons had taken up and legislated upon the hours of labours in factories and employment in coal mines. It was an indisputable fact that all the great and praiseworthy efforts which had of late years been made in Scotland for the spread of education and the social improvement of the people, had been rendered utterly abortive and powerless by the prevalence of this vice of drunkenness. That was a fact which might be regarded as pretty well established, upon consulting the returns which related to the convictions for serious offences in Scotland. Mr. Sheriff Alison had devoted considerable attention to this subject, and he (Mr. C. Bruce) had it upon that gentleman's authority, that in the year 1841 the educated criminals committed for serious crimes in Scotland amounted to 2,834, whilst the commitments of uneducated criminals numbered 696—the proportion of educated to uneducated criminals being in the ratio of four to one. If, therefore, they were to wait until the spread of education supplied the means of checking the evil, he feared they would have to wait a very long time. The House might rest assured that the increase of committals for serious crimes in Scotland had gone on in a much faster ratio than the increase of the population of that country; and the most competent authorities ascribed that increase to the demoralising habit of drunkenness. The commitments in 1824 amounted to 1802; in 1830 to 2,329; in 1840 to 3,872; and in 1848 to within a fraction of 5,000. But in that long interval the population had increased by some hundreds of thousands only. If the House resolved to go into such a general inquiry as that which was recommended by the hon. Member for Montrose (Mr. Hume), of course the Committee would come down with a large blue book; but it would be treated as most of the blue books were treated in that House. It would be scarcely looked at, and any practical legislation upon the subject would be indefinitely postposed. All who were acquainted with the extent to which the vice of drunkenness was carried in Scotland would think his hon. Friend (Mr. F. Mackenzie) deserving of the gratitude and thanks of the country for giving this House the opportunity of going into Committee to consider of a practical and efficient remedy for the evil. Two-thirds of the crime and one-half the pauperism of Glasgow had been attributed by Mr. Sheriff Alison to this one cause of drunkenness alone; and he (Mr. C. Bruce) emphatically denied that legislation would not be productive of good effects. He trusted, then, that the House would agree to the second reading of the Bill, in order that it might go upstairs to a Select Committee, with power to take evidence upon the whole question. He had not the least doubt that the result of such a step would be, that a good Bill would come down to them.

MR. COWAN regretted that the vice of drunkenness prevailed so greatly in Scotland, and among his own constituents. He would be willing to support any measure calculated to remedy this state of things; but after the best consideration he had been able to give to the subject, and notwithstanding the good motives and intentions of the promoters of the Bill, he could not bring himself to the belief that it was one calculated in the least degree to effect the object in view. He admitted that the congregation of low public-houses in Scotland had been a great evil to Scotland; at the same time he did not conceive that by authorising the justices to delegate to a small committee a summary power to diminish the number of licences, was the mode of remedying the evil. He would submit that it was better to grant licences than to encourage low unlicensed houses, to form, as it were, secret nests of little clubs of drunkards, as would unquestionably be the case if the regular public-houses were put down. Paradoxical as it might seem, he held that, as the means of the poorer classes were diminished, so did their indulgence in intoxicating liquor increase; for he apprehended that the state of the dregs of the population in our towns produced a kind of despair which prompted them to sacrifice everything for the gratification of their depraved appetites. In Edinburgh, forty years ago, New Year's day was kept as a day of dissipation and drunkenness; and on one occasion, in 1812, a frightful riot was got up on the 1st of January in that year by a knot of young men under the influence of ardent spirits, and in consequence of which three of them suffered on the scaffold. There was, however, a great difference now in the habits of the people. For several years past, New Year's day had been made a universal holyday, and he was glad to bear out what his hon. Friend the Member for Montrose (Mr. Hume) had said as to the benefits resulting from giving inducements to the people to assemble together in order to visit places of interest and amusement. All the objects of attraction in Edinburgh had been visited by tens of thousands of working men with their wives and families, and not the slightest injury had resulted to any one of those places of recreation. He regretted that Government had not taken the subject of this Bill into their own hands.

SIR JOHN HOPE would support the second reading of the Bill, though he believed nothing would come of it unless the Lord Advocate took charge of it in Committee.

The LORD ADVOCATE said, no one connected with Scotland could doubt that the Bill proposed to remedy, to a certain extent, a very great evil in that country. Whatever might have been the improvement in the morals of the Scotch people of late years—and it was great—it was, nevertheless, true that drunkenness was the crying and scandalous vice of the country. No man who was at all acquainted with the state of crime there, could fail to see that if the amount of drunkenness could be diminished even to a very small extent, the result would at once be apparent in the diminished amount of crime. And it was because he was unwilling to throw an obstacle in the way of any measure that was designed to effect a beneficial result, that he should vote for the second reading of the present Bill; though if he were asked to give his support to the details, he must say that he would not undertake to do so. The subject was a very important one; and he preferred sending the Bill to a Committee upstairs, because he thought a more effectual measure would be thereby obtained than by referring the whole question to a general Committee of Inquiry. The Bill dealt only with the licensing system; and whilst he did not anticipate any benefit from a mere change of that system, he did hope much good from a thorough revision of it.

MR. ELLIOT objected to the principle of the Bill, as well as to the details by which that principle was to be carried out. It was proposed by it to change the whole system of licensing, and to place the power of giving licences in the hands of justices selected by the Court of Quarter Sessions, who were to fix the exact number of public-houses in the county. This was an entirely arbitrary power; in point of fact, a man who considered himself aggrieved by the decision of those magistrates had no appeal at all; and it would open the door to a system of favouritism and jobbing which would be most objectionable. There was not one Scotch Member to whom he had spoken who did not pronounce that the Bill was utterly impracticable. No one was more sensible than he was as to the evils of drunkenness; but he objected to this Bill because he believed it would be totally inefficient to remedy those evils.

MR. FORBES MACKENZIE said, his intention was, if the Bill were read a second time, to move that it be then referred to a Select Committee, which should have power to send for persons, papers, and records. In that case the Bill would be kept before the House, might be altered in the Committee, and thus, when it came down to the House, they might hope to have legislation upon the subject in the course of the year. On the other hand, if they did not take that course, but appointed a Select Committee to institute a general inquiry, as had been recommended by some hon. Members, the only end would be the production of a fruitless report, and an indefinite postponement of legislation.

VISCOUNT MELGUND believed that this scheme of legislation was wholly vicious in principle; and, far from curing the evils complained of, would only increase those which at present existed.

MR. BOUVERIE said, that not one of the hon. Gentlemen who had spoken in favour of the second reading, had adduced a single word of argument in support of the Bill. Several had said that they did not approve of the details of the measure, and yet they asked the House to affirm it by voting for the second reading.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 123; Noes 67: Majority 56.

Main Question put, and *agreed to*.

Bill read 2°.

ENFRANCHISEMENT OF COPYHOLDS BILL.

Order for Second Reading, read.

MR. AGLIONBY moved the Second Reading of this Bill.

MR. HODGSON would suggest that the second reading should be postponed for a week. The provisions were of a complicated nature, and the Bill had been in the hands of Members only about twenty-four hours. He had been requested to send down to the country copies of the Bill to individuals interested in copyhold tenure, and he wished to ascertain their opinions before the Bill was read a second time.

MR. AGLIONBY said, it would be clearly his interest, as an independent Member having charge of a Bill for which he desired the support of the House, to give ample time for its examination; but in this case he did not think the appeal for delay by the hon. Member who had just spoken was well founded. If this were a new measure, he would at once have acceded to the request of the hon. Member; but he had brought in the Bill last Session, and the Select Committee to which it was referred, directed him to report the Bill to the House, who allowed it to be circulated during the recess. He had, too, given public notice that he should bring in the Bill on the first opportunity during the present Session, and, with the exception of one technical portion, he had not altered one single part of the Bill, but had abided by the instructions of the Committee. The measure was therefore as well known now as it would be two months hence, and he would ask the House, under these circumstances, whether it was right to put off the second reading for a whole week? To do so would be to inflict a great hardship upon those hon. Gentlemen who had thought it their duty to come down to discuss the measure.

MR. HODGSON urged, that persons interested in the measure should have an opportunity of being heard against it by petition or otherwise.

MR. CHRISTOPHER said, he must confess that he did not entirely understand the Bill, and thought it undesirable that such important interests as were involved should be dealt with so rapidly. When the hon. Member (Mr. Aglionby) spoke of this measure having been brought in at the end of last Session, he must be perfectly well aware that Bills introduced at that period were rarely sufficiently well-considered by the country. In his own county (Lincolnshire) a great many varied interests would be affected by the Bill, and he should probably receive petitions to present against it. He hoped, therefore, it would be a general understanding that the House would adopt no hurried legislation on the subject, but that sufficient time would be afforded for fully considering the measure.

MR. AGLIONBY said, he was perfectly ready to explain the provisions of the Bill if it were the wish of the House that he should do so. [*Cries of* "No," and "Yes."] When he he heard on the one side "yes," and on the other side "no," he would take the liberty of exercising his own judgment, and doing what he thought was fair. The principle of the Bill might be stated in two words; it was in accordance with the recommendation of the Commission on Real Property that sat in the year 1832. If hon. Gentlemen would refer to the book in the library containing the Report of that Commission, they would see the reasons that induced them to recommend that Copyhold tenure should be abolished. A Committee had also been appointed to inquire into the subject, on the Motion of Lord Campbell, then Her Majesty's Attorney General, and that Committee gave its most serious consideration to every part of the question. That Committee almost unanimously agreed—and it was the late Sir Robert Peel's opinion—that a Bill should be passed for the voluntary enfranchisement of copyholds, and that after some time a measure for compulsory enfranchisement should be passed. Ten years had since passed, and the Legislature had not yet made the enfranchisement compulsory. He had brought in Bills during the last two years to compel the enfranchisement of copyholds. Those Bills were read a second time on each occasion, but they did not meet with the approval of certain hon. Members, and particularly those connected with manors. It was said that his measure was a one-sided measure—that it compelled the lord, and did not compel the tenant. He (Mr. Aglionby) answered that it was one thing to compel a man who exercised an oppressive tenure against a number of individuals to do a certain act on receiving compensation, and it was another thing to compel men who were satisfied to hold under that tenure to pay the lord of the manor for their enfranchisement. The House had last year referred both his Bills to a Select Committee, who excluded what they thought was objectionable, threw overboard his notion of one-sided compulsion, and made it compulsory on certain terms on both parties to act under the measure. That was the principle of the present Bill, and if it was now read a second time it would be for the Committee to settle the details. The object was to enfranchise copyhold tenure in such a way as to give full compensation to the lord of the manor, to do justice to the tenant, and also do justice to the stewards of manors. The question of compensation would be left to the Commission for Copyhold Enfranchisement, to whom also it was proposed to leave the carrying out of the compulsory enfranchisement.

SIR GEORGE STRICKLAND said, he had had this Bill so short a time before him, that he could not say he perfectly comprehended it. He was most anxious to see a Bill that would carry on the enfranchisement in an equitable manner both to the lord of the manor and tenant. He had opposed the Bill which had been brought forward on former occasions, and he felt inclined to oppose this on the same ground, that this was a one-sided measure, and that it was a compulsory measure that would act unequally and be unjust to the lords of manors; and in many instances it would be exceedingly oppressive to the tenants, who would be called on to pay sums of money which it might be inconvenient for them to pay. He had great doubts whether they could have a compulsory measure; but they ought to give greater facilities to both parties to come in voluntarily. But there was another objection to the Bill. He wished to see the copyhold tenure—the antiquated feudal tenure—abolished, because the real object of that tenure in former times had now passed away. But this Bill did not abolish copyhold tenure, because the enfranchisement was to entered on the court roll which was to be kept in existence. [MR. AGLIONBY: That is not so.] He understood that it was so. It was to be converted into an annual rent-charge, which would be attended with all the inconvenience of the copyhold tenure, and, after all, it would not be anything like the fee-simple. His opinion was that if they meddled with it they should give the freehold at once, and that, above all, they should not require any record in the Copyhold Court, as this Bill would do. [MR. AGLIONBY: No!] The hon. Member said "No." The hon. Member declared before that that he wished to keep the Copyhold Court as a Court of Registration; that he had supported a measure for the registration of deeds; and, that, having failed in that, his object was to make the Copyhold Courts serve to register deeds. It was for this reason that he was opposed to this Bill. He thought it was an unjust Bill, giving preference to the tenant over the rights of the lord of the manor; and that it would be an unjust measure, as retaining the old Copyhold Courts, with all their objections and grievances. He thought that it would not give a freehold instead of a copyhold tenure, which was the thing to be desired. Another objectionable provision in the Bill was the giving compensation to stewards. Why, it was a stewards' Bill. He had a Copyhold Court, and he was obliged to pay an attorney every year for holding the Court. He considered this to be a grievance; but he was told that if he did not do it he might lose some of his rights. The attorney was amply paid for his work; but if there was an end of the work, did they mean to say that the attorney had a vested interest in that employment? He believed that when the Bill was fairly examined, it would be found that it was not worthy of support.

MR. HUME hoped the Bill would pass. It was a mere matter of detail whether compensation should be granted to the stewards. He agreed with the hon. Baronet (Sir G. Strickland) that they were not entitled to compensation; but this could be settled in Committee. The principle of the Bill was, that it simplified tenure and lessened expense, and to that principle he was favourable.

MR. FRESHFIELD said, the hon. Member for Preston (Sir G. Strickland) only dealt with the details of the Bill, and not the principle. In two counties for which he could speak, the greatest difficulty was found in uniting small farms, in consequence of the copyhold tenure. The House had already sanctioned the principle of the Bill; he hoped, therefore, it would be permitted to pass.

MR. MULLINGS wished to correct an erroneous impression of the hon. Baronet (Sir G. Strickland). The object of the Bill was really to make the whole of the copyhold property free, and the retention of the Courts was to make it apparent to the world that it was free. As to the compensation to stewards, the proposition merely was, that on the execution of a deed of enfranchisement they should have one set of copyhold fees only, including the deed of enfranchisement. As far as the Bill went, he believed it to be a very good Bill.

Bill read 2°.

COUNTY RATES AND EXPENDITURE BILL.

Order for Second Reading read.

MR. BRIGHT (in the absence of Mr. Mr. Gibson), moved the Second Reading of this Bill.

Motion made, and Question proposed, " That the Bill be now read a Second Time."

SIR JOHN PAKINGTON said, that when hon. Members remembered the great extent to which this Bill differed from its predecessor, they would not be surprised to hear that he felt it his duty to meet the Bill at this stage with the most decided opposition. Measures of this kind were, in his judgment, an attempt to introduce into the financial arrangements of counties principles that were not adapted to them. Without calling in question the connexion that ought to exist between taxation and representation, he was prepared to assert that that rule, although generally applicable to all countries with free institutions, did not apply at all to county affairs, or only in a degree which was very limited, and it would not be wise in Parliament, for the sake of adopting a theoretical advantage, to tamper with arrangements which had long worked beneficially to the country, and which had never worked more beneficially than at the present time. The financial affairs of the counties were now confessedly conducted with greater publicity, a closer economy, and a more scrupulous regard for the general interests of the public, than at any former period. In spite of these views and these facts, he should, however, have not opposed the second reading of the Bill had it been presented to them in the shape in which it came from the Committee last year, because the House had so far recognised the principle of the Bill as to send it to a Select Committee for further consideration. In that case he would have reserved his objections for discussion in Committee. But the right hon. Gentleman (Mr. M. Gibson) had not brought in his Bill in that shape, or even in the shape in which it was submitted to the House at the commencement of last Session. He must call attention to the extraordinary course taken by the right hon. Gentleman with regard to this Bill. Two Sessions ago, when the right hon. Gentleman first brought in this measure, it was referred to a Select Committee, which was empowered to take evidence. That Committee, of which he (Sir J. Pakington) was a member, devoted itself to a most laborious inquiry into the whole subject. That Committee was selected by the right hon. Gentleman himself. It was a Committee to the composition of which they who were unfavourable to the principle of the Bill objected. But this Committee, so selected and so constituted, rejected the Bill of the right hon. Gentleman, and recommended to the House, in a series of resolutions, a number of improvements which ought to be introduced. Notwithstanding that decision of the Select Committee, the right hon. Gentleman, at the commencement of last Session, brought in the same Bill. It was again referred to a Select Committee, but not for inquiry, but a Committee on the Bill itself. On that Committee sat some of the most distinguished Members of that House. The right hon. Gentleman opposite (Sir G. Grey) was a member of that Committee, and he was most indefatigable in his attendance and attention to its duties. The right hon. Gentleman the Member for Ripon (Sir J. Graham), whose absence from the House at that moment he (Sir J. Pakington) much regretted, was also on the Committee, and likewise gave great attention to this Bill. It was presided over with exemplary patience by the right hon. Gentleman the President of the Poor Law Board (Mr. Baines); and after a lengthened investigation, which lasted the whole Session, the Bill was returned to the House with many improvements. It was then too late to pass it; and it was to be expected that when the right hon. Gentleman (Mr. M. Gibson) brought in the Bill this Session, it would have taken the shape in which the Committee had left it. He (Sir J. Pakington) did not approve of the Bill even in that shape: it appeared to him, that in their anxiety to avoid certain inconveniences, the Committee had fallen into others equally, if not more, objectionable, creating, for instance, double and concurrent jurisdictions, which must prove extremely injurious; and he doubted much whether he could have supported that Bill. But what was the course taken by the right hon. Gentleman now? It appeared to him to be one most disrespectful to that House, for the right hon. Gentleman had brought in a Bill differing not merely in unimportant details, but in those which were most essential, and which formed the very foundation of the enactment. Without going into minor matters, he would just name one most essential difference. In all the former measures introduced into this House on this subject, the right hon. Gentleman proposed that these intended county financial boards should consist, one-half of persons elected by the ratepayers, and the other half of magistrates of the county; but in the Bill now before the House the magistrates were thrown out altogether, and would no longer form even a part of that body which directed the whole expenditure of the county, unless indeed they were elected by the ratepayers, who thus had the option whether any magistrate should be on the board or not. This was a change in the principle of the Bill so essential and important as to justify him (Sir J. Pakington) in giving the Bill his most strenuous opposition. He could not believe that Her Majesty's Government could give their assent to the Bill as it was. He asked the right hon. Baronet the Home Secretary whether he was prepared to sanction a measure which destroyed altogether the jurisdiction of the magistracy in the government of the gaols, the management of the police force, the care of the lunatic asylums, and in many other branches of the internal administration of this country, in which the magistrates had hitherto performed so important and so useful a part? Was the right hon. Baronet (Sir G. Grey) prepared, in the present state of the police of this country, which made it most essential that the magistrates should retain the powers invested in them by so many Acts of Parliament, to adopt a measure such as this? Was the right hon. Baronet prepared at this moment to take from them the management of the gaols, than which there was no subject more important, or one on which public opinion was less informed or matured? Was the House prepared to take the gaols entirely out of the hands of the justices, and leave the system to be pursued in them to a board such as that proposed in this Bill? This was a matter, in truth, far too important to be left to volunteer legislation. The Bill dealt with institutions of great antiquity; it dealt with the conduct of affairs of the last importance to this country; it dealt with a long series of Acts of Parliament placed on the Statute-book; and it enacted what would be in effect a complete revolution of the affairs of our counties. Such great interests ought to be dealt with only by the Government—after the most careful consideration, and on the responsibility of a Cabinet. He should move, therefore, that the Bill be read a second time that day six months.

Mr. HODGSON seconded the Amendment.

Amendment proposed, to leave out the word "now," and at the end of the Question, to add the words "upon this day six months."

Mr. ROBERT PALMER said, that having supported the second reading of the right hon. Gentleman's Bill of last Session, and having punctually attended the meetings of the Select Committee to which the Bill had been referred, he had been prepared to support the second reading of that measure. He had been prevented by circumstances from attending in his place since the first night of the Session, but came up to town in order to support the second reading to-day. But what was his surprise to find that the principle of the Bill was altogether altered, and was based upon another principle. He did not by any means object to the principle that those persons who contributed to the county rate should have a voice in the expenditure. Last year the Bill provided that the ratepayers, through the Boards of Guardians, should nominate one person from each Board to be a member of the county financial boards, and that the county magistrates in quarter-sessions should nominate an equal number of their body to sit at the Board. He was doubtful whether any particular advantages would be gained by the ratepayers by this arrangement; but he did not object to it. He now found a Bill of a totally different nature, by which it was left entirely to the Boards of Guardians to say whether a single magistrate, however large his property, or however great his influence in the county, should be a member of the board charged with the administration and expenditure of the county rates. To such a measure he (Mr. R. Palmer) could not agree, and he thought the right hon. Gentleman had not dealt fairly with the House, or with the Committee of last year, in thus altering the principle of his Bill. He (Mr. R. Palmer) had endeavoured to ascertain the opinion of the ratepayers of his county (Berkshire) relative to the Bill of last year; and last August he sent a copy of the Bill to the chairman of every Board of Guardians in the county, with a printed letter explanatory of the objects of the Bill, and requesting that it might be taken into consideration by the Board. Several months elapsed, and he received no reply to his communication, which did not look as if the Boards were very eager for such a measure. His letter was afterwards printed in the county paper, and then he received four communications from Boards of Guardians. The first, from the Board of Cookham Union, and signed by the clerk, communicated a resolution of the Board to the effect that the expenditure of the county was conducted in the most economical and satisfactory manner, and that, in their opinion, the Bill was unnecessary. The next was from Abingdon, the Guardians of which Union resolved that they did not consider there was any necessity for the application of the Bill to the county of Berkshire. The next communication was a private letter from the chairman of the Newbury Board of Guardians, who stated that the Board had met and arrived at no conclusion regarding the Bill. There was only one union out of the twelve to which he had written, that had returned a reply favourable to the Bill. The Board of Guardians of the Wantage Union avowed their belief that the object of the Bill was just and the principle good; but, at the same time, they thought the object of such a measure would be defeated if *ex officio* guardians were allowed to sit at the county board. Thus only one Board of Guardians out of twelve expressed an opinion in favour of the Bill. He was consequently prepared to vote against the second reading of the present Bill; and, if the hon. Gentleman (Mr. M. Gibson) found himself in a minority, he had only himself to blame for not having dealt more fairly with the House.

MR. MILNER GIBSON thought the hon. Gentleman who had just sat down went a little too far when he assumed that, because certain of the Unions in his county were silent, they were opposed to the measure. He had quite as good a right to say that silence might imply consent. Anxious as he was to see the ratepayers exercising some control over the county expenditure, he could not go so far as the Board of Guardians of the Wantage Union, who declared that the county magistrates ought not even to be eligible to sit as members of the financial boards.

MR. ROBERT PALMER said, the Wantage Guardians thought that the Poor Law Guardians ought not to have the power of electing a person who was a magistrate.

MR. MILNER GIBSON, on the contrary, was in favour of allowing the guardians to elect magistrates if they thought proper. He (Mr. M. Gibson) proposed to constitute the county boards by what appeared to him to be a proper mode, namely, to give the ratepayers power to select such persons, be they magistrates or not, as seemed to be best qualified to act as a financial board for controlling the assessment and expenditure of the county rates. With regard to the charge of unfairness on his part towards the Committee, he thought hon. Members were going too far in making that assertion, because he felt he was entitled, when bringing in the Bill, to have the provisions in accordance with his opinions. While he adhered to the principle of the measure, he felt he was entitled to bring the matter of detail in the way before the House that he thought the House ought to deal with it, leaving it to the House in Committee to deal with those matters as it thought proper. He admitted the Bill, as originally proposed, was so constituted, that of the members of these financial boards one half were to be magistrates, and the other half were not to be magistrates; but in going through the Select Committee very great alterations were made in the powers vested in these boards. The Committee ruled that the regulation of gaols, the appointment of officers, and all other matters not strictly financial, should be left intact to the magistrates; and it being no longer necessary that a certain proportion of magistrates should be associated with the elected members, the Bill was purposely altered, leaving the ratepayers to elect magistrates if they pleased, but not compelling them to take magistrates, as it was not intended to trench in any way on the judicial duties of the magistracy. The Bill proposed that the financial board should fix the amount of salaries which the officers should receive, leaving to the magistrates to appoint those officers, and to make the regulations necessary in the gaols; and this, he contended, was in accordance with the principle laid down by the Committee, that these boards should be strictly financial, and not in the smallest degree interfere with the judicial duties of the magistrates. With regard to the alterations respecting the constabulary made in the Bill since it came out of the Committee, it was first proposed that the financial boards should decide whether the rural police should be adopted or not; and as to the appointment of the chief constable, the Committee in the first instance decided that the financial boards should have that power, because it was said town councils in boroughs had that power, and the object of the Bill was to adhere as far as possible to the same principles as those which were recognised in boroughs. A division took place in the Committee on the question, and it was decided by a majority that that was a sound mode of proceeding. Afterwards, and at the end of the inquiry, the right hon. Secretary of State for the Home Department thought proper to come down and reverse that decision. The proposal for vesting the management of the rural police in these boards was supported by the right hon. Gentleman the President of the Poor Law Commission, who was the chairman of the Committee, and gave his casting vote in its favour. He (Mr. M. Gibson) thought that first decision of the Committee was the correct one, and he had not felt bound to alter the Bill in accordance with the second decision. He wss not aware that there were any other alterations. The Bill contained many clauses, relating to matters of detail of considerable importance, which were originated in the Committee, and for many of those suggestions the Committee were indebted to the hon. Member for Droitwich (Sir J. Pakington). The hon. Member for Droitwich had reflected upon him (Mr. M. Gibson) for being a volunteer legislator. He (Mr. M. Gibson) admitted that it would have been very desirable if the Government had taken the subject into their own hands. The hon. Member for Montrose (Mr. Hume) was the first volunteer, or rather the pioneer in the matter; and he observed that in all improvements, before they were ripened to such a point as would induce the Government to take them up, the initiative must be the work of volunteers. There would never be any progress if no one would bring forward measures until the Government were prepared to submit them to the House; and no one set a greater example of volunteer legislation than the hon. Member for Droitwich himself, who, at this early period of the Session, had already one, if not two, Bills on the paper for consideration. The principle of this Bill having been twice assented to by the House, he thought the Government ought to have felt it their duty to have taken it up. He conceived that when the House of Commons had deliberately sanctioned a principle, it became the duty of the Executive Government to carry that principle into practical legislation. For his own part, he should be most glad to surrender this measure into the hands of Government, if they would give some promise that they were ready to take it up. He was sorry, however, that the hon. Member for Droitwich and the Gentlemen who sat opposite should have made this a party question. He was surprised when he read the hon. Member's notice on the paper, that he should move the second reading of the Bill that day six months; and he thought he had a much better right to charge the hon. Gentleman with unfairness, than the hon. Gentleman had to charge him with unfairness, because after labouring to amend this Bill in so many ways, and devoting so much attention to the subject, to attempt to negative the Bill, when it was obvious the details could be altered in Committee, was, in his opinion, taking a course somewhat of a party character. He would remind hon. Gentlemen opposite that he did not desire to found his arguments on any better authorities than he derived from that side of the House. What said the Earl of Derby himself? Speaking on the second reading of the Petty Sessions Bill, he said—

> "That he thought, with his noble Friend the Earl of Malmesbury, the great and rapid increase of county rates well deserved their Lordships' attention. In the county with which he was connected, the county rate had risen from 77,000*l.* in 1823, to 175,000*l.* in 1848; and it did seem an anomaly that such a sum should be assessed by the local magistrates without the control of the ratepayers."

What did he find in a petition from the farmers of Buckinghamshire, the constituents of another distinguished Member on their side of the House? The petition stated that the petitioners represented a Union of forty parishes, mostly agricultural; that they were principally occupiers of land, and in that capacity contributed to the poor-rates, over which, as ratepayers, they possessed a right of administration and control; that they also contributed largely to the county rates; and, without impugning the proper application of those rates, they respectfully urged that the principle of supervision in the case of the poor-rates should be extended to the county rates; that the county expenditure was increasing, and, being one of the most important branches of internal administration, the occupiers of land ought to be represented in the management of those funds. His only object in the constitution of financial boards, was to carry out that principle, so that magistrates, farmers, and ratepayers, might co-operate together. He did not desire to create any bad feeling among different classes; he wished to give the ratepayers the power of choosing, among all classes in the county, whether magistrates or not, fit and proper business men to control the expenditure of the county rates. That was the simple principle of the Bill, and he hoped the House would not—in throwing it out on the second reading—affirm that magistrates were to be vested with the irresponsible control of these large sums, but that it was fitting that legislation should take place for the purpose of giving the ratepayers that control which they were entitled constitutionally to possess.

SIR GEORGE GREY said, he did not coincide in the censure which had been cast on his right hon. Friend (Mr. M. Gibson) for presenting for consideration a Bill which embodied his own views and opinions; at the same time, looking at the important differences between this Bill and the Bill on the same subject last Session, he thought it would have been better if, in moving for leave to introduce the Bill, his right hon. Friend had stated the outline of his proposed measure. But while he gave full liberty to his right hon. Friend to propose what Bill he pleased—dissenting, as his right hon. Friend did, from the decision of a majority of the Committee appointed last year—those who on a former occasion advocated the principle of admitting representation in the control of county expenditure were not the least bound to support him, without previously considering what were the recommendations of the Committee, and the details as well as the principle of the Bill submitted to the House. While he (Sir G. Grey) stated last year that, although no great evils could be said to exist in the administration of the county rates, and although the amount of those rates was gradually diminishing, he was unable to deny that in principle there should be a representation in the constitution of financial boards, to whom should be entrusted the administration and control of county expenditure; he also felt the subject was a most complicated one, and he only consented to a second reading of the Bill introduced by the right hon. Gentleman on the understanding that the Bill should be referred to a Select Committee, on which he volunteered to give what assistance he could in amending its provisions. The House agreed to the second reading, and the Bill went to a Select Committee. He was bound to say he never belonged to a Committee which gave more close attention to business, or discussed the matter before them in a fairer spirit; but his right hon. Friend had hardly stated correctly what were the proceedings of that Committee. There were some important distinctions, not only between the Bill originally proposed and that returned to the House, but between the original Bill and the Bill now introduced. The boards, as first proposed by his right hon. Friend, were to consist partly of magistrates and partly of members of Boards of Guardians, each Board electing one member. The Committee made no alteration in that respect, but they thought it inexpedient to retain the ineligibility of magistrates to be elected by the Boards of Guardians. His right hon. Friend now proposed that the magistrates should all be excluded. The Boards were wholly to be elected, and the magistrates were not only to be excluded from the right to form a portion of the Board, but from taking any share of the election of members by the Boards of Guardians. He (Sir G. Grey) was not prepared to agree to that exclusion. He could not assent to a Bill containing such an exclusion. [MR. M. GIBSON: That could be altered in Committee.] He would deal with that presently. Then, again, it was proposed that the whole powers of the magistrates in the county constabulary should be transferred to these financial boards. The Committee discussed that matter very fully, and, on a close division, decided to that effect; but then the right hon. Gentleman said, he (Sir G. Grey) came down and took upon himself to reverse that decision. In the first place, he had no such power. The Committee paid close attention to the provisions of the Bill, and as they proceeded conviction was forced on the minds of a majority of the Committee that the original decision was wrong. The right hon. Member for Ripon (Sir J. Graham), whom he regretted not to see in his place, avowed the change in his opinion on that point, and invited the Committee to reconsider the question. The Committee adopted in their final determination the view which he (Sir G. Grey) entertained, that it would be most unadvisable, inexpedient, and dangerous to the public peace, to deprive the magistrates of all control in the appointment of the chief constable, and in the arrangements connected with the constabulary. It was said this power existed in boroughs, but the Committee felt that there was a great difference between the two cases; that the area was much larger in a county than in a borough, the ratepayers were more scattered, and the magistrates in particular districts were responsible for the preservation of the peace. He could not then assent to a Bill which would deprive the magistrates of all voice in the appointment of police officers, or in fixing the amount of salary for which they could procure the service of persons competent to discharge those duties. The same objection partially applied to gaols, inasmuch as the Bill proposed to leave the management and appointment of officers in the hands of the magistrates, but to give the financial boards unrestricted power over the amount of salaries. Last year clauses were prepared by which the financial boards would have a voice in fixing the amount of salaries, as well as the magistrates, and, in case of disagreement, reference would be made to the Secretary of State. The right hon. Gentleman had rejected all those clauses, and practically, while he kept the word of promise to the ear, he broke it to the hope, for it was evident that if the financial board should have the unrestricted power of fixing salaries, they would practically possess the power of appointing the recipients of them. The right hon. Gentleman had not acceded to the suggestions of the Committee with respect to lunatic asylums; and with regard to Clause 45, the general powers thereby transferred were far more than the Committee thought expedient. Those were the leading points; and if the Bill stood in its present shape, he could not give his assent to it. The right hon. Gentleman said, the principle of the Bill being admitted, the details could be considered in Committee of the whole House. Looking at the complicated nature of the details and the numerous Acts of Parliament connected with the subject, he thought a Select Committee was the proper body by whom these details could be considered. They had had a Select Committee, to which he had given his assistance to the best of his ability, and he was not prepared to assent to a second reading in order to go over precisely the same grounds, and without any result. If there was any reasonable hope that the right hon. Gentleman would consent to such Amendments as would embody the modified principle to which he (Sir G. Grey) gave his assent last year, and the application of which the Committee endeavoured to reconcile with the existing law, he should be prepared to vote in favour of the second reading. But if those Amendments were to be considered in Committee of the whole House, and objected to by the promoters of the Bill, the only result would be to consume a great deal of time very uselessly; and, therefore, whilst adhering to the opinion expressed last year with regard to the principle of that Bill, he was not prepared to assent to the second reading of the Bill now before the House.

Mr. BRIGHT had not heard anything to prove that a good Bill might not be made out of the Bill submitted by his right hon. Friend (Mr. M. Gibson); and he thought the differences between the right hon. Gentleman the Secretary of State for the Home Department and the promoters of the Bill, might be easily compromised. For instance, the right hon. Secretary of State might move clauses which he moved in Committee upstairs; and, assuming they were accepted, and no other objection existed, the Bill could pass into law. The right hon. the Secretary of State said he offered his assistance. No doubt he offered his assistance to overthrow the Bill. It was perfectly notorious that throughout the whole transaction the right hon. Gentleman had exerted his great influence in Committee for the purpose of making this Bill as little like that the promoters wished as possible. There were some changes to which they could not agree, and they had therefore induced his right hon. Friend to bring the Bill before the House in the shape in which they now found it. With the discussion that day, and the course taken by the right hon. the Secretary of State, the Bill would not be read a second time. It was no great consequence whether it was passed in this or in the next Session, but the Bill would be passed before long, for he was satisfied there was a growing requirement among the ratepayers to have some control of county expenditure. They were told the rates were diminishing; but they had increased up to the time when the agitation commenced, and had only diminished in consequence of public attention being called to the question. Probably the right hon. Gentleman (Sir G. Grey) was not aware that there were more than a hundred parishes in which the county rate was far in excess of the poor-rate; and when the ratepayers paid those assessments they thought they had some power of control in the Boards of Guardians, whereas more than one-half was handed over to the magistrates to be expended, contrary to the constitution, entirely without the control of those upon whom the assessment was made. The ratepayers would not, however, continue to pay 1,250,000*l.* annually, without any supervision, without making some complaint to that House, and insisting that a measure of this kind should be passed. He trusted no man would hope again to receive any succour from the right hon. Gentlemen the Secretary of State for the Home Department, who, he was certain—and he spoke after observing his speeches and his conduct—had been a concealed opponent of this measure—[*Cries of* "Oh, oh!"]—he would not say a concealed, but almost an open opponent of the measure. He thought it would have been better if, instead of playing with the measure, trifling with it, encouraging and discouraging it, the right hon. Gentleman had opposed it. However, no one out of the House relied on the Government for any support with regard to it.

Mr. DEEDES, as a Member of the Committee, was bound to state publicly that it was utterly impossible for a more impartial part to have been taken by any one than was taken by the right hon. Secretary of State for the Home Department, and the right hon. President of the Poor Law Commission. He maintained that there were material alterations in the Bill, in principle, and not merely in detail. since it was returned to the House by the Committee last year. He dislaimed being actuated by any party motive whatever. The promoters of the Bill had departed from the usual practice of the House; and if the labours of Committees were to receive such treatment, the sooner they gave up referring matters to Select Committees the better would it be for the conduct of public business.

Mr. HUME said, it was to be regretted that the ratepayers of the country at large should suffer through any want of tact in the Mover of the Bill. The right hon. Baronet (Sir G. Grey), after twice supporting the principle of the Bill, now turned round on the ratepayers, and refused their just claims. Let the Bill go into a Committee, and let the right hon. Gentleman then propose such alterations as he thought desirable. When he (Mr. Hume) first introduced this measure, the law adviser of the Ministry had declared to the noble Lord at the head of the Government that it was a measure which ought to be taken up by the Government. He hoped the right hon. Baronet would reconsider his determination, and allow the Bill to go into Committee.

Mr. HENLEY said, this question was so difficult, and, at the same time, so little understood by the right hon. Member who had brought it forward, that if he had sincerely desired its settlement he would have availed himself of the assistance given by two Committees to which the question had been referred. The right hon. Member for Manchester had accused Gentlemen sitting on that (the Opposition) side of the House of being influenced by party motives in dealing with this question, and the right hon. Gentleman's Colleague (Mr. Bright) had attacked the right hon. Home Secretary in a way that was not usual; but after what had passed it was not improbable people out of doors would think that the question had been brought forward rather with a view to getting up an agitation than procuring a settlement. A good deal had been said about representation; but after all what sort of representation did this Bill propose? Representation diluted through a Board of Guardians. If there must be an electoral body, let it be the ratepayers. Boards of Guardians were respectable bodies, well adapted to the purposes for which they were formed; but he would not consent to convert them into electoral colleges. Under the present Bill, the magistrates would be saddled with all responsibility respecting gaols, while they would be deprived of all influence over the expenditure. They were to have no voice whatever in the question whether any improvement was to take place in a prison, or whether proper salaries were given to the men in whom they vested the duties of the prison. Could any Member of that House wish to see this question settled who brought in such a provision as this? It would be better to bring in a Bill at once to sweep away the magistrates altogether, and vest the duties in the ratepayers or the Boards of Guardians. It was the same with the lunatic asylums; and he was sure it was a principle which the House would not sanction. If it was really wished to settle this complicated question, the course taken last year should have been followed; but as it was, the only alternative that now presented itself was to vote against the second reading of the Bill. He wished it to be understood that he had never expressed an opinion against the ratepayers having a control over the expenditure, if a right system could be chalked out; but he held by the principle, that so long as the magistrates had their present important duties to perform, they ought to have a share in the management.

Mr. BARROW said, he held the principle of the Bill to be this—that the ratepayers should have the control of the taxation which they paid; and he could not concur in the view, that because the control and payment of the officers of a county were vested in the parties proposed by the Bill, therefore the whole business of that county would be brought to a dead lock. That House fixed the salaries of the Ministers of the Crown; but did the business of the country stand still on that account? The object of the Bill was very much to remove a singular anomaly, for there was no other public rate in this country in which the ratepayers had not the power of regulating the expenditure. The principle was carried out to its fullest extent in boroughs, and no difficulty whatever was experienced. Then, why should it not work well in the counties? He begged to remind hon. Members that the Commission under which they acted, as administrators of the criminal law, gave them no control whatever over the county expenditure. He had the greatest respect for the magistrates—a body with whom he was himself connected, and that respect was shared in, he was sure, by the country at large; but he did not think that ratepayers were willing to entrust the administration of their finances except to persons elected by themselves, and in some way responsible to them, and such responsibility should be secured by the principle of re-election at stated periods. When he heard the hon. Member for Oxfordshire (Mr. Henley) admit the principle of the Bill, but object to some of the provisions, he confessed that he thought he should have been prepared at least with an outline of the measure he wished to sanction. It was said the large ratepayers would be excluded under this Bill; but, as in the election of Boards of Guardians, owners had a right to vote as well as occupiers, and as the guardian of a parish belonging to a single owner had a vote as powerful as that of the guardian who represented a large number of occupiers, there was no fear that property would not have sufficient influence in the selection of the proposed board. For these and other reasons he would vote for the second reading of the Bill.

Mr. CHRISTOPHER said, he must protest against the doctrine laid down by the last speaker, that because a Member objected to a particular measure he was therefore obliged to introduce one himself. If legislation on this matter was required, there should be a strong feeling in the country as to what the nature of that legislation ought to be. Now, when the right hon. Gentleman (Mr. M. Gibson) first introduced this subject, printed letters and petitions were sent to every Board of Guardians in England, asking them to sanction the principle of a representative system in the management of county rates; but in Lincolnshire—of which he could speak—only two Boards of Guardians gave a qualified assent to the principle of the measure. He must say, that he did not think it would be right in that House to give its approbation to a measure so different from that agreed to by the Select Committee, and brought forward last Session; and therefore he would vote against the second reading of the Bill.

Mr. WILSON PATTEN agreed with the hon. Member for Montrose (Mr. Hume) that it was to be regretted that the ratepayers should be disappointed of a measure of this kind because there was a difference of opinion as to some parts of the Bill. He could state that the feeling of the county from which he came was very strong upon the question, and in deference to that feeling he would vote for the second reading. But in doing so he thought his right hon. Friend (Mr. M. Gibson) had incurred considerable responsibility in taking the course he had done. When he (Mr. W. Patten) first saw the present Bill, he was surprised beyond measure. The last time he saw his right hon. Friend at Manchester, it was understood that the same Bill as that of last year was to be introduced. He would vote for the second reading, in the hope that in Committee it might be restored to something like its former shape. It was his intention if the Bill should go into Committee to support the reintroduction of a clause that would combine the control of the magistrates with that of the ratepayers.

Mr. HEYWOOD regretted that the Bill did not contain the same clauses of compromise that it did last year between the magistrates and those to be elected by the Boards of Guardians. He did not see how the ratepayers generally could be satisfied with the Bill as it came from the Committee. He thought the House ought to consider that the greater part of them were magistrates, and in possession of power, and that they ought rather to err on the side of mercy that otherwise. A clause was introduced by the Committee by which there should be a qualification similar to that of the magistrates before a person could be elected to the board. This would have the effect of excluding small ratepayers; besides which, it was proposed to give a large share of power to the Secretary of State. He thought, therefore, his right hon. Friend (Mr. M. Gibson) could not have brought in such a measure as had been proposed by the Committee. They had already obtained poor-law reform and municipal reform; and the time could not be far distant when they were to have county-rate reform.

Question put, "That the word 'now' stand part of the Question."

The House *divided:*—Ayes 63; Noes 130: Majority 67.

List of the AYES.

Aglionby, H. A.
Alcock, T.
Barrow, W. H.
Bass, M. T.
Bell, J.
Bennet, P.
Bright, J.
Brotherton, J.
Child, S.
Clay, J.
Cobden, R.
Corbally, M. E.
Crawford, W. S.
Dawes, E.
Duncan, G.
Ellis, J.
Evans, Sir De L.
Forster, M.
Fox, W. J.
French, F.
Glyn, G. C.
Grenfell, C. P.
Hardcastle, J. A.
Harris, R.
Headlam, T. E.
Henry, A.
Heywood, J.
Hindley, C.
Howard, hon. C. W. G.
Howard, Sir R.
Kershaw, J.
King, hon. J. P. L.
M'Cullagh, W. T.
Melgund, Visct.
Milligan, R.
Mitchell, T. A.
Morris, D.
Mowatt, F.
O'Connell, M. J.
O'Connor, F.
Patten, J. W.
Pechell, Sir G. B.
Pendarves, E. W. W.
Pilkington, J.
Power, Dr.
Robartes, T. J. A.
Salwey, Col.
Scholefield, W.
Scobell, Capt.
Scully, F.
Smith, J. B.
Strickland, Sir G.
Stuart, Lord D.
Sullivan, M.
Thicknesse, R. A.
Thompson, Col.
Thornely, T.
Walmsley, Sir J.
Wawn, J. T.
Wilcox, B. M.
Williams, J.
Williams, W.
Willyams, H.

TELLERS.

Gibson, T. M.
Hume, J.

List of the NOES.

Adderley, C. B.
Armstrong, Sir A.
Baillie, H. J.
Baines rt. hon. M. T.
Barrington, Visct.
Beresford, W.
Best, J.
Blair, S.
Blandford, Marq. of
Boldero, H. G.
Booth, Sir R. G.
Bouverie, hon. E. P.
Bowles, Adm.
Bramston, T. W.
Buck, L. W.
Bunbury, E. H.
Charteris, hon. F.
Christopher, R. A.
Clifford, H. M.
Clive, hon. R. H.
Cobbold, J. C.
Cocks, T. S.
Coles, H. B.
Collins, T.
Compton, H. C.
Cowper, hon. W. F.
Cubitt, Ald.
Davies, D. A. S.
Divett, E.
Dodd, G.
Drumlanrig, Visct.
Duncombe, hon. W. E.
Duncuft, J.
Du Pre, C. G.
East, Sir J. B.
Edwards, H.
Egerton, Sir P.
Egerton, W. T.
Farrer, J.
Fitzroy, hon. H.
Foley, J. H. H.
Forbes, W.
Fordyce, A. D.
Forester, hon. G. C. W.
Freestun, Col.
Freshfield, J. W.
Fuller, A. E.
Gilpin, Col.
Gladstone, rt. hn. W. E.
Gooch, Sir E. S.
Goold, W.
Gore, W. R. O.
Greene, T.
Grey, rt. hon. Sir G.
Grosvenor, Earl
Halford, Sir H.
Hallewell, E. G.
Harcourt, G. G.
Hardinge, hon. C. S.
Harris, hon. Capt.
Hayter, rt. hon. W. G.
Henley, J. W.
Herbert, H. A.
Hildyard, R. C.
Hodgson, W. N.
Hope, Sir J.
Hotham, Lord
Howard, Lord E.
Hughes, W. B.
Inglis, Sir R. H.
Knox, hon. W. S.
Langton, W. H. P. G.
Lennox, Lord A. G.
Lennox, Lord H. G.
Lewis, rt. hon. Sir T. F.
Lewis, G. C.
Lindsay, hon. Col.
Lockhart, W.
Long, W.
Lygon, hon. Gen.
Mackenzie, W. F.
Macnaghten, Sir E.
Manners, Lord J.
Matheson, A.
Meux, Sir H.
Milnes, R. M.
Moody, C. A.
Morgan, O.
Mullings, J. R.
Newport, Visct.
O'Brien, Sir L.
Ogle, S. C. H.
Packe, C. W.
Palmer, R.
Portal, M.
Power, N.
Prime, R.
Renton, J. C.
Ricardo, O.
Richards, R.
Russell, F. C. H.
Sandars, G.
Scott, hon. F.
Seaham, Visct.
Seymer, H. K.
Sibthorp, Col.
Slaney, R. A.
Smyth, J. G.
Spooner, R.
Stafford, A.
Stanford, J. F.
Stanley, E.
Stanley, hon. W. O.
Staunton, Sir G. T.
Stuart, H.
Tollemache, J.
Townley, R. G.
Tyler, Sir G.
Verney, Sir H.
Walsh, Sir J. B.
Walter, J.
Watkins, Col. L.
Wegg-Prosser, F. R.
West, F. R.
Wilson, J.
Wodehouse, E.
Wood, Sir W. P.
Wynn, H. W. W.
Wyvill, M.
Yorke, hon. E. T.

TELLERS.

Pakington, Sir J.
Deedes, W.

Words *added:*—Main Question, as amended, put and *agreed to:*—Bill *put off* for six months.

The House adjourned at half after Five o'clock.

HOUSE OF LORDS,

Thursday, February 19, 1852.

MINUTES.] PUBLIC BILL —3ª Office of Messenger to the Great Seal Abolition.

GUNPOWDER TRAFFIC AT THE CAPE.

The EARL of MALMESBURY said, that on a previous occasion he had spoken in terms of censure of the conduct of censure of the conduct of certain parties whom he understood to have shipped gunpowder from this country for the purpose of supplying the Kafirs with it. He thought it fair now to state to the House that he had received a letter from Messrs. Walton and Bushell, declaring that though a quantity had been sent by them, as stated, to a merchant at Cape Town, they were quite ignorant of the destination at which it seemed to have arrived. They went further, and professed the greatest horror at being supposed capable of sending ammunition and powder to the enemies of their country, and denied the charge *in toto*.

MONTGOMERY'S ESTATE.

The **Earl of EGLINTOUN** presented a petition from James Hamilton Story, of No. 17, Bryanston Square, Middlesex, Esquire, "praying Leave to bring in a Bill to repeal so much of 44 *Geo.* III. [1804], for the more effectual and beneficial raising of certain sums of money decreed by the High Court of Chancery of Ireland, to be raised out of the Estates of George Montgomery, a Lunatic, in the Counties of Cavan and Fermanagh in Ireland, by Sale of the Inheritance of a competent part of the said Estates as is inconsistent with the uses and trusts to which the said Estates stood settled and limited before the passing of such Act." He had no interest whatever in any of the parties implicated in the case, and did not even know the petitioner beyond having met him at the few interviews they had had about the petition. His Lordship explained the case of the petitioner, which he considered a particularly hard one, and said that his object in wishing it referred to two English Judges was to found upon their report a Bill for the repeal of the Act of 1804. As he considered that great injustice had been done to Mr. Story, in depriving him of his ancestors' estates in Ireland, he trusted their Lordships would not hesitate to accede to his Motion. There were precedents for adopting the course he now proposed, their Lordships having on previous occasions passed Bills to correct mistakes which had occurred in previous Acts with regard to the disposition of estates; and if the petition were referred, as he proposed it should be, to two English Judges, they might decide, first of all, whether, if the Act of 1804 had not been passed, Mr. Story would be entitled to the estates, and in the next place whether, if he were entitled, the Act should be repealed.

"*Moved*—That the petition be referred to two English Judges to consider,

"1st. Whether, if the Act of 1804 had not been passed, Mr. Story would be entitled to the Estates?

"2nd. Whether, if he should be so entitled, that Act ought not to be repealed?"

Lord REDESDALE felt it his duty, as the person to whom these Bills were referred, to oppose the Motion; since to have been silent would have been to seem to sanction their Lordships passing a slight upon the Irish Judges. It was the invariable practice of the House to refer Irish Estate Bills to Irish Judges. The same practice was pursued with regard to Estate Bills in England and Scotland; and he saw no sufficient reason why in this case it should be departed from.

Lord BROUGHAM said, he feared it was too late for them now to interfere. He felt a very great sympathy with those who had suffered from the gross irregularity of 1803 and 1804; but the time had passed when it would have been expedient that the subject should be revived.

Lord BEAUMONT, agreeing as to the great hardships which these parties had endured, yet thought that, under the circumstances, the House could not possibly do anything now, except indeed as regarded the future, when in all cases of private Bills it must act with much greater caution in reference to the circumstance of notice being served on the parties.

Motion (by leave of the House) *withdrawn;* and Petition ordered to lie on the table.

AFFAIRS OF INDIA.

The **Earl of ELLENBOROUGH**, after referring to what had passed on a former evening (see p. 534), relative to the production of information respecting the affairs of India, said, he must again call the attention of the noble Marquess (the Marquess of Lansdowne) to the preparation of the information to be laid before the Committee on East India affairs. Perhaps he had not correctly understood what fell from the noble Marquess; but if he had correctly collected it, the statement was, that no preparation had been made for the laying of this information before the Committee, and that it would be for Parliament or the Committee to ask for such documents as they might require. If that were indeed the actual state of things, it would be to him a subject of very deep regret; for, in the first place, he thought it would show that Her Majesty's Government were by no means alive to the peculiar importance of the question now to be submitted to the consideration of Parliament—a question upon the consideration of which they were to decide what should be the future government of India, under circumstances materially different from any which had hitherto existed. Then, in the second place, the want of preparation would be productive of very great and inconvenient delay; and it would be obvious that their Lordships, if left to themselves, would be able to collect but a very small amount of information, compared with what the Government would be able to procure by taking proper measures in anticipation. He had understood the noble Marquess to say, that he had applied at the India House and at the Board of Control, and to have found a difficulty in getting the papers connected with his recall from India, which consequently had only been in his hands a short time before he spoke the other evening. Now, he could not imagine what could have been the difficulty, because the papers were at both offices, and at whichever office he applied he could have got them. They had at the India Board in their possession the letter *in extenso* which he wrote in vindication of his Indian policy, and they had at the India House the portion of that letter which was communicated to the Court by the President of the India Board. If the noble Marquess had now read these, he would be able to state distinctly what difficulty there was about producing them, and to tell the House whether any inconvenience would arise from his doing so. So far as he (the Earl of Ellenborough) could judge, not only would there be no inconvenience from their production, but it was absolutely necessary to the just consideration of the whole question. He could not (as the noble Marquess had on a former evening seemed to do), treat this as a question personal to himself. If the noble Earl at the head of the Colonial Department thought it essential to the performance of his duties to recall Sir H. Smith, there could be no doubt that that was a public question of the greatest importance, not merely a personal question between him and Sir H. Smith. The noble Earl had publicly assigned his reasons for it; and he would think it an act of the grossest injustice were he to hesitate to communicate to Parliament any reply which Sir H. Smith might make, although he no longer continued to be the Governor of the Cape of Good Hope. No doubt the reasons for his (the Earl of Ellenborough's) recall were not published; so much the worse, for that enabled people to put the worst construction upon it. He asked in justice to the people of India, as well as to himself, that these papers should be produced, for they were most deeply and essentially concerned in the relations between the Governor General and the authorities at home. He had stated that only a part of the letter which he had written in defence of his measures, had been communicated to the Court of Directors. If the noble Marquess thought that only that part of the letter should be produced, although he should regret the decision, he would defer to it. But he did hope that at least that part of the letter which had been in the possession of the Court for seven years, might now be given to the whole world. If the noble Marquess had no objection, he would at once move for the production of that extract, and also of two enclosures in the letter sent to the Board of Control—namely, his letter from Gwalior in defence of the alterations in the administration of Saugur, and a minute on a purely legal question connected with the position of the fourth Member of the Council of India under the Act of Parliament, which had strangely been adduced as one of the reasons for his recall.

The MARQUESS of LANSDOWNE would first reply to the observations of the noble Earl on the production of papers for the information of the House, and also of the Committee hereafter to be appointed to consider the expediency of renewing the Company's Charter. The noble Earl had not stated correctly what he had said on a former evening. He had not stated that papers would not be presented by the Government, either to that House or the Committee; but he had stated, that in addition to the papers which Government would feel itself called upon to lay before Parliament and the Committee, it would be competent for the Committee, or for any member of it, to move for such papers as were necessary to enable it to form a competent judgment on the subject. Information, he repeated, would be laid before the House and the Committee when the inquiry was commenced, and then it would be in the power of the noble Earl to call upon the Committee to decide whether the information was complete, or whether more ought to be demanded. With regard to the information which the noble Earl wished to have laid before the Committee, relative to the circumstances and causes of his own recall, he had only to say that it would be his own wish to do full justice to the noble Earl, and to have all that information laid before the Committee. When he had stated on a former occasion that this was a personal question, he by no means meant to say that it was merely a personal question, and that it contained no matter of interest to the public; for a question touching the recall of a Governor General or a Commander-in-Chief might be of private interest, and yet deserving of the deepest inquiry and judgment of the public. At the same time, he submitted to the noble Earl himself that it might not be convenient to produce those papers and to make that inquiry which he proposed, as a particular case, and not in connexion with a general system. The case in question had now been before the public for the last eight years and more. It was not thought fit by the Government of that day to produce the papers connected with the noble Earl's recall, and Parliament had not called for any inquiry. The subject had slept ever since, and he should regret going at this time, and after so many successive Governments, into any inquiry into that single event. But, considered as one of a series of events, which marked the tone of the Government in India, and of the progress of the relations between the Governor General and the Court of Directors, it might be deserving of inquiry; and, in that point of view, he agreed with the noble Earl in thinking the papers might facilitate the inquiry, not as a matter by itself, but as a matter connected with the general system, and, therefore, it might be expedient, together with any information which might be called for by the Committee, to furnish such information as could be obtained with respect to the noble Earl's recall; and he should be happy to do his utmost to promote that object. He had read the papers in question, and with great interest; but in reading them he had found that that letter, which he had no doubt the noble Earl considered most material to his case, had no existence either in the records of the Board of Control, or *in extenso* at the East India House. One reason for this might be, that the Earl of Ripon, who was then President of the Board of Control, and who, unfortunately, did not now take much share in their debates, had considered it so far a private letter that he felt himself authorised to take it away with him when he left his office. Now, whether the noble Earl considered it a private letter or not, he should like, before he consented to produce it as a public document, to communicate with the Earl of Ripon and with others. In justice to the noble Earl opposite, he was most anxious to produce all the information he could to illustrate that transaction, considered as a part of the whole system; but, for the reasons which he had already stated, he submitted that it would not be expedient to revive that particular case. He submitted to the noble Earl that he should not move now for these papers. He pledged himself that in the interval between this time and this day se'nnight he would ask Lord Ripon whether he had any, and what, objections to the production of these papers; and that, as soon as he received Lord Ripon's answer, he would communicate it to the noble Earl. He hoped that on consideration the noble Earl would make his Motion, not in that House, but in the Committee.

The EARL of ELLENBOROUGH said, that after what had fallen from the noble Marquess, he should not press the Motion for the immediate production of the Papers. He was perfectly satisfied that the papers connected with the question of his recall should be considered in conjunction with all the great questions that would come before the Committee. By law, the Court of Directors had no power to send to India one single syllable of directions as to measures; and yet they had most strangely continued to have the power of recalling the Governor General, by whom the measures were to be executed—a vestige of a former state of things which had now ceased to exist. They had, too, the power to recall without the authority of the Crown the Governor General whom the Crown might think best fitted to carry into effect those measures which, through the Board of Control, the Court of Directors might be compelled to adopt. So monstrous an absurdity had never before obtained admission into the system for governing any empire. The reason he asked for this information was, that he thought the question, whether this state of things should continue, ought to come before the Committee, and that they should have the means of judging of the manner in which that authority was exercised in this particular instance. But even if the unanimous opinion of Parliament should be in favour of the manner in which that authority was exercised in this particular instance, it would not in the slightest degree touch the general question, of whether two such contradictory authorities should exist;

one having the power to order measures, and the other to remove the Governor charged with executing them. He had heard with the greatest astonishment the statement of the noble Marquess with respect to the non-appearance of his letter in the records of the Board of Control. He sent it to the Board of Control by the very first mail which left India after he knew of his recall. He obtained a knowledge of that on the 15th June; and his letter, which was dated July 4, must have been received in England in the beginning of September. Undoubtedly he (the Earl of Ellenborough) was not then in office, but still he had to defend himself; and would any man prevent Sir Harry Smith from writing a letter for presentation to Parliament, in defence of his conduct against the strictures of the noble Earl opposite (Earl Grey)? He heard with indignation that at the time an attempt was made to treat his letter as a private one, which could not, therefore, be sent to the Court; although it was a public letter, written by a public man, on a most important public matter. It should have been so considered at first as it was at last, for he could show the noble Marquess a copy of Lord Ripon's letter to the Chairman and Vice-Chairman of the Court of Directors communicating the extract of that letter; and when he (the Earl of Ellenborough) understood that an extract only had been communicated, he wrote to Mr. Waterfield, one of the clerks and secretaries of the Board of Control, and from him or from Lord Ripon he had a distinct assurance that, although an extract only was communicated, the whole letter *in extenso* should be recorded at the Board of Control.

The MARQUESS of LANSDOWNE then gave notice that on Friday, the 27th inst., he should move the appointment of a Select Committee to consider the Expediency of renewing the Charter of the East India Company.

The EARL of ELLENBOROUGH said, that he thought it would be convenient for him on that occasion to state, as succinctly as he could, the alterations which it appeared to him desirable to make in the present system of the Government of India—first, on the supposition that the Court of Directors were retained with powers similar to those which they possessed at present; and also, further, what fundamental alterations he thought it would be most expedient to make.

The MARQUESS of LANSDOWNE remarked that it was open to the noble Earl to use his own discretion in stating his own opinions and views with respect to the subject of the Committee's inquiry; but he (the Marquess of Lansdowne) wished it to be understood that it was not his wish to anticipate inquiry, but that he wished the whole question should go to the Committee unfettered by any previous observations on the part of Government. It was upon the result of the inquiry of that Committee that Parliament would be called to come to a definite decision.

The EARL of ELLENBOROUGH said, that he only wished to take that course which, considering the knowledge he had of Indian affairs, would be most convenient, especially to the Government. He would reserve the statement of his views for the Committee, if the noble Marquess wished.

The MARQUESS of LANSDOWNE did not wish to object to the noble Earl's taking the course which he might consider most convenient. But he wished to state that he did not think that it would be convenient that the Government, or Members who were not so well acquainted with the subject, should deliver their opinions.

The EARL of ELLENBOROUGH said, that forty years ago Lord Grenville thought it of importance that the earliest announcement should be given of his opinions of the future government of India, and he took an opportunity of making them known to the House at a great length before the Committee was appointed.

COUNTY COURTS FURTHER EXTENSION BILL.

On the Motion that the Report of the Amendment of this Bill be received,

LORD LYNDHURST claimed the attention of their Lordships for a few moments to a point of law which had arisen under the present Act. He would state in a few words the case out of which the point of law arose. A tradesman sued his debtor for *5l.*, and obtained a judgment for his claim, and costs. Those costs included the fees, as limited by the Act, given to the attorney. Having received his money and the fees for the attorney, he was satisfied with the decision of the court and the speedy administration of justice. In a few days afterwards, however, his attorney called upon him, and presented him with a bill of costs for *22l.* The tradesman was astonished, and said, "I received the sum for which I sued, and paid you the fees sanctioned by the Act of Parliament.

What is the meaning of this application for 22*l*?" The attorney's reply was: "The costs which you paid me are costs for the proceedings in court, but these are preparatory costs out of court; here are costs for entering proceedings, for instruction to sue, for examination of witnesses, &c." This answer did not satisfy the tradesman, who refused to pay. The attorney then made application to the County Court for these costs. A County Court Judge, whose keenness for scenting out the meaning of an Act of Parliament is most extraordinary, said at once—"The attorney is right. He is entitled to recover his costs for proceedings in this court, but he has also a right to his costs for the necessary proceedings out of this court." The order of the Court then was that this bill of costs, amounting to 22*l*., should be taxed, and it was then cut down to 11*l*. 4*s*. So that the result to this tradesman was, that he received his debt of 5*l*. and costs, but was made to pay 11*l*. 4*s*. for it, leaving him about 8*l*. out of pocket. This, however, was not all. If he had sued in the Superior Courts of Westminster he could have recovered this sum from the other party, the defendant; and it was most just and reasonable that he who had refused to pay a just demand should pay the costs of the proceedings resorted to to enforce it. But, according to this County Courts system, the successful suitor, or the plaintiff who recovered the debt, had to pay all the costs of recovering it, except the small sum of 15*s*. Such a system seemed so inconsistent with the plainest principles of justice, that he had deemed it his duty to state the case, with a view to the grievance being remedied. He certainly very much doubted whether the persons who framed the Act, or the Legislature who passed it, supposed that it would admit of the construction now put upon it by the learned Judges.

Lord BROUGHAM quite agreed with his noble and learned Friend in his latter observation; but it was not at all unusual for judicial constructions to be put upon Acts of Parliament which the framers of them had never expected; and he thought with him, that the construction recently put upon the Act of 1846, which was, he believed, introduced by the noble Lord (Lord Lyndhurst), and adopted by the late Lord Cottenham, must have been a surprise to its authors. Very great difficulties, however, existed upon the whole subject of costs, which was a question very hard to deal with, whether as regarded costs in superior or inferior jurisdictions. He held it to be perfectly impossible that the abuses now existing could be allowed to continue. There must of necessity be some remedy applied. It must either be stated by a declaratory enactment that the construction put upon the Act of 1846 was erroneous; or, if that construction was held to be right and sound, some remedy must be provided for the mischief. The evils that arose from the malpractices of some persons engaged in the lower branch of the profession, not only in the County Courts, but also in the Supreme Courts, were too well known to need any observation from him; but he would fain hope that the public voice, which had been frequently raised upon the subject, was influenced by the ordinary mistake of applying to many what might be the faults of a few. That the law should be such, however, as to enable any persons to commit offences—for he could call them nothing less—of this kind, was a matter, in his opinion, deeply to be regretted.

Lord LYNDHURST explained, that he had not meant for a moment to suggest that the construction put upon the Act of 1846 by the Courts of Law was not correct. The question had been first decided, he believed, in the Court of Common Pleas, and the decision of that Court was afterwards confirmed by the Court of Queen's Bench.

Lord CAMPBELL observed, that he had no idea that his noble and learned Friend (Lord Lyndhurst) would have fallen into such an error as to call upon their Lordships, when sitting as a legislative body, to deal with the decision of the Superior Courts of Westminster Hall. If the decision of those Courts was wrong, it might be subjected to the review of their Lordships when sitting as a Court of Appeal; but the present occasion was not the time to deal with the decision of the Courts of Law. He quite concurred in the decision which the Courts of Law had come to upon the subject; and he was sure that if his noble and learned Friend looked at the language of the County Courts Act, he could not fail to come to the same conclusion, namely, that the restriction was confined to the costs incurred by the proceedings actually taken in court, and not to the costs of the preparatory steps taken in a cause. He thought that it was highly desirable that this subject should be reconsidered, but it was one of great difficulty;

and it was necessary to guard against a suitor being unable to obtain respectable professional assistance, by making the amount of remuneration too low. It was necessary in bringing an action to employ a respectable attorney, and that he should be a person of intelligence. It was often requisite that long accounts should be examined into, and other matters attended to, and it could not be expected that a respectable solicitor would take all that trouble for 15*s.* If a client were restricted from paying any more, it would have the effect of depriving him of professional assistance. If any means could be proposed by which the due administration of justice could be secured, and an attorney could be satisfied with the payment of 15*s.*, he would most willingly consent to their being adopted.

Lord LYNDHURST begged again to say that it was not his intention to suggest that the decision of the Courts of Law upon this subject were erroneous. He was satisfied that, looking at the words of the Act of Parliament, they could have come to no other decision. He believed, however, that he was justified in stating that his noble and learned Friend had given two contrary decisions upon this point. The Court of Queen's Bench at first decided that the costs which an attorney could demand were restricted to the costs mentioned in the Act. The question was then argued before the Court of Common Pleas and the decision of the Court of Queen's Bench referred to. The Court of Common Pleas, however, decided contrary to the Court of Queen's Bench. The matter was then argued a second time in the Court of Queen's Bench, which Court pronounced a similar opinion to that given by the Court of Common Pleas, thus overturning its first decision. He was quite justified in saying that the person who framed the County Courts Bill, and the Legislature which passed it, did not think such an interpretation would have been put upon one of the clauses. It had been said that it would be injurious to the suitor not to allow him an attorney of respectable character to get up the case before it came into court; and he entirely agreed in that opinion. His complaint, however, was this. In a Superior Court, if a person was defeated, all the just costs fell upon him as they ought to do; whereas in the County Court a great portion of those costs was obliged to be paid by a party, even though he succeeded in his action.

Lord CAMPBELL was understood to say, that with respect to the contrary decisions of the Courts of Law upon this subject, he did not preside over the Court of Queen's Bench at the time when their first judgment upon the matter in question was given. The point was decided by the Court of Common Pleas, and afterwards it came before the Court of Queen's Bench. He entirely agreed with the decision given by the former Court, and so did the other learned Judges of the Court of Queen's Bench. He might mention that very high legal authority, Sir John Patteson, whose loss as a Judge was now deplored, was of a similar opinion with the rest of the Judges. It was true that he was rather inclined to think that an attorney could only recover the costs mentioned in the Act of Parliament; but he afterwards admitted, with that candour which characterised him, that he had altered his opinion; and the Court of Queen's Bench, therefore, were unanimous in the decision which they had given upon the subject.

Lord BROUGHAM said, that this showed that there might very well be doubt as to the meaning of the Act, and that the construction put upon it might have surprised its author. If there was any doubt upon the point, a declaratory Act would satisfy all the requirements of the case; but he understood that there was no doubt whatever, and therefore there was no need of such a proceeding. It should be recollected, in fairness to the Act of 1846, that a party had the choice of his court, and if he thought the case would require a greater preliminary expenditure than could be recovered as costs in a County Court, he might bring his action in a Superior Court. He did not say that that was a sufficient remedy. The point would be matter for consideration, and he had no doubt that upon consideration means might be taken to make the Act work more effectually.

The Earl of DERBY must apologise for saying a single word when so many noble and learned Lords had discussed this point. It appeared that there was no question that the Courts of Law were now agreed upon this subject, and that a decision had been given, which decision also appeared to be contrary to the meaning and intention of the framers of this Act. And it was not a question, as it appeared to him, of very slight importance with reference to the future interests of suitors in the County Courts; because the object of the framers of the Bill was clearly to limit the amount of the expense, and thereby to induce suitors to go to what was to be at once an economical and an expeditious tribunal for the adjustment of small debts. After holding out these inducements, however, it was subsequently found that the law by no means secured this economy; but that along with the same costs as were paid before, they actually inflicted an additional injustice; because, although it was true that the plaintiff could not recover more than a certain amount of costs, yet it was clear that his attorney might charge any extent of costs under the new construction that had been put upon the statute. The consequence was that the suitor was put to greater expense. [Lord CAMPBELL: The costs may be taxed.] He was aware that costs might be taxed in the inferior as well as in the Superior Courts; yet they might be as large in the fermer as they were in the latter. But the evil and injustice was this—that the plaintiff in the Superior Courts would be entitled to receive the costs, but in the County Courts he would not be entitled to receive them; and he who was proved to be in the right was called on to pay expenses, which, if the action was brought in the Superior Courts, would be thrown on the party—the defendant—who, by the result of the action was proved to be in the wrong. That state of things had been brought before the House by his noble and learned Friend with all his usual clearness; and surely, when they were proposing to pass a measure for the extension of the jurisdiction of the County Courts, it was now the fiting time to consider how they might remedy this acknowledged evil. He did not presume to suggest what that remedy ought to be; but he did think that when a measure was in progress for extending the jurisdiction of the County Courts, it was their bounden duty to see that the operation of those Courts did, in point of economy, meet the object for which the Act constituting them was originally framed.

LORD BROUGHAM said, that it was a mistake to suppose that this Bill would enlarge or extend the jurisdiction of the County Courts, in the sense of giving them the power to deal with debts of larger amount, or with cases of a different nature from those which already came before them. It was merely intended to enable the Court of Chancery to entrust to the County Courts the conduct of certain inquiries which at present took place in the Masters' Offices. He did not think, therefore, that the suggestion on the subject of costs was germane to the object or scope of this Bill. The costs arising under this Bill would be costs connected with the Court of Chancery, and not with the County Courts.

The MARQUESS of LANSDOWNE concurred with the noble Earl opposite (the Earl of Derby) in thinking that if doubts had arisen as to the original intention of Parliament with respect to the County Courts Act, it was now the proper occasion for correcting the ambiguity in the language of the statute.

LORD CRANWORTH thought the noble and learned Lord did not do justice to his own Bill in saying the present subject was not germane to it. It was a most appropriate place for introducing any provision which the Legislature might think fit with regard to costs. At the same time this was one of the most difficult subjects that they could have to deal with; for all-important though it was to limit costs to a *minimum*, on the other hand, unless such a remuneration was allowed as would secure the assistance of a respectable professional man, they would cause suitors to lose more than they would gain. It was a scandal to justice that the fair and reasonable costs incurred by the plaintiff, through the wrongful resistance of his debtor, should have to be borne by the former. At the same time, if heavy costs arose through the suitor not being prepared, and not having his materials ready for the trial as he ought to do, the defendant ought not to be made to pay them. It would be impossible to judge how far the costs of 11*l.* in the case cited by the noble and learned Lord (Lord Lyndhurst) were justly payable by the plaintiff, without first examining and analysing the different items of which they were composed. It might, for instance, be that the suitor did not know his own case, and his solicitor had to perform journeys to a distance to get up information; and in that case, as the defendant would not be blameable for the carelessness of his creditor, it would not be fair to throw upon him the burden of such costs.

LORD BROUGHAM explained that his reason for saying that this question of costs was not germane to the purpose of the Bill, was because the extension which it proposed was confined exclusively to the equitable business, the costs attending which would belong to the Court of Chancery, and not to the County Courts.

Lord CAMPBELL said, surely the object of this Bill was not merely for the extension, but for the improvement, of the jurisdiction, and he considered it would be such an improvement to insert some provision for the regulation of costs.

Lord LYNDHURST, in reference to the remarks of his noble and learned Friend (Lord Cranworth), observed that the information he had received was obtained from the very best possible authority in a matter of that kind, because it was from the person whose duty it was to tax the costs; and that gentleman had informed him that the costs in this case taxed were precisely the costs which would have been allowed if the action had been brought by an attorney in the Superior Courts.

The Earl of DERBY renewed his application to the noble and learned Lord to allow a clause to be introduced for the purpose of removing all doubts as to the intention and meaning of Parliament on the subject of these costs. They professed to limit their amount, and yet the plaintiff, who obtained a judgment in his favour, was not allowed the expenses to which he had been put to make good his claim. He hoped this deception would not be suffered to continue.

Earl FITZWILLIAM thought if they refused to make this Amendment, that the public out of doors would consider that their Lordships had not a very sincere desire to deal with the subject of lessening costs.

Lord BROUGHAM said, he had no objection to insert a clause of the nature suggested; but he thought it better to defer it till the third reading, in order to afford time for proper consideration.

Earl GREY considered it highly irregular and inconvenient to introduce any clause of importance on the third reading, where such a step could possibly be avoided; because if any mistake was made, there was no opportunity of correcting it. He therefore earnestly hoped that the noble Lord, if he wished to make this addition, would postpone not merely the third reading, but the report.

Lord BROUGHAM acknowledged the force of the objection to introducing material alterations into Bills on the third reading, and therefore thought the best course would be to postpone the present stage of the measure, namely, the consideration of the report, until he had had an opportunity of further examining, not only the present objection with regard to costs, but also the complaints of Judges of County Courts themselves, who felt as well as the merely professional parties that hardship and injustice occurred in many instances from the present state of the law on this subject.

Report of the Amendments *put off* to *Tuesday* next.

PATENT LAWS.

Lord LYNDHURST presented Petitions on the subject of the Patent Laws, complaining of the great expense attending the taking out of Patents for the United Kingdom, and suggesting certain alterations; and said that by an Act of last Session parties sending their inventions to the Great Exhibition had protection granted to them for a limited period (*Designs Act Extension,* 14 *Vict.*, c. 8). That Act was about to expire very shortly, and if a measure was not speedily passed for the purpose of placing the law of Patents on a better footing, these parties would be put to very heavy expense in protecting their rights under the law as it at present existed. No time, therefore, should be lost in introducing a measure to amend the present law. He understood that the Vice-President of the Board of Trade (Lord Stanley, of Alderley) intended to bring forward a Bill on the subject similar to a measure which dropped last Session; and he also understood that his noble and learned Friend (Lord Brougham) was desirous of introducing a Bill containing several of the alterations which were made in the Bill of last Session after it had passed through their Lordships' House. Now he had heard that one of those alterations went to the extent of abolishing patent rights altogether; but he earnestly hoped his noble and learned Friend would not adopt that principle, because it would involve the infringement of the prerogative of the Crown, and restrict the use of the Great Seal with respect to patents. He wished that his noble and learned Friend would endeavour to come to some arrangement with the Vice-President of the Board of Trade, in order that their Lordships might have only one Bill brought before them; because, if they were to have two distinct Bills with conflicting clauses, he was afraid they would be compelled to adopt the same course as was pursued last year, and refer them both to a Select Committee. That would entail a very considerable waste of time before it could be decided which Bill should be proceeded with. He was sorry the noble Lord the Vice-President of the Board of Trade was not now in his place, because he wished to press upon him also the desirability of coming to some understanding with his noble and learned Friend.

The EARL of MINTO said, he had had an opportunity that evening of conferring with his noble Friend (Lord Stanley, of Alderley), and he had inquired of him what progress had been made in the preparation of the Bill he had promised to introduce for the amendment of the Patent Law. His noble Friend had assured him that the Bill was all but prepared; and he therefore trusted that there would be little delay in laying it on their Lordships' table.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, February 19, 1852.

MINUTES.] PUBLIC BILL. — 1° Universities of Scotland.

DISMISSAL OF COLONEL OUTRAM.

VISCOUNT JOCELYN: I have a question to ask the right hon. Gentleman the President of the Board of Control, which affects the honour and credit of the Government of Bombay, and has reference to the removal of a public officer, Colonel Outram, which it appears from the public papers, as well as from private information, has lately taken place. It appears that Colonel Outram was lately appointed to the office of Resident at Baroda, and that an allegation having been made that corrupt practices were carried on between that Court and the Court of Bombay, an inquiry was entered into by Colonel Outram, who, with the zeal which he has always displayed, entered fully into the matter. It appears, also, that while the inquiry was going on, his zeal led him to make use of observations that did not suit exactly the opinions of the Government of Bombay, for which reason the gallant officer has been removed. What I wish to know is, whether Colonel Outram has been removed from the Residency of Baroda, and whether the right hon. Gentleman has received any information from India that can explain what took place? It is necessary for the credit of the Government and of the East India Company that a satisfactory explanation should be given.

MR. FOX MAULE: I confess, Sir, I am somewhat surprised that a noble Lord, with the official experience of my noble Friend, should, in putting a question, have uttered so strong an expression of opinion. In answer to the question of my noble Friend, I can only state that very little information on the subject has reached the India Board at all. A despatch has been received concerning the removal of Colonel Outram; but of the circumstances under which the removal took place, we are not at present in possession, and, therefore, I am not able to give my noble Friend the information he requires.

ST. ALBANS ELECTION COMMITTEE (1851).

MR. SPEAKER acquainted the House, That the Serjeant at Arms attending this House had a communication to make to the House.

[Whereupon the Serjeant at the Bar stated, that he had to acquaint the House, that on the 9th of this month, he, as Serjeant at Arms attending this House, was served with a Writ from the Court of Exchequer, at the suit of William Lines, one of the witnesses before the St. Albans Election Committee, in the last Session; and that, on the 17th of this month, he was served with a Declaration, to which he was required to plead in four days. Before doing so, he thought it necessary to make this fact known to the House.]

Writ of Summons and Declaration delivered in, and read.

Matter to be taken into consideration *To-morrow.*

THE IRISH GOVERNMENT AND THE "WORLD" NEWSPAPER.

LORD NAAS said: Mr. Speaker, in rising to propose the Resolution of which I have given notice, I feel that I may claim the indulgence of the House for standing in somewhat peculiar circumstances. It is a most invidious task to be obliged to impugn the actions of any public men, and particularly of the actions of men who hold high offices under the Crown. The House must therefore at once see in what a disagreeable position I am now placed; but I feel even more reluctant in bringing this subject before the House, because, in common with all who mix in the public affairs of this country, I must entertain great respect for the character of the individuals to whom I shall be obliged to allude. Sir, I have the utmost possible respect for the high personal qualities, the talent, and the private worth of the noble individual who fills the office of Lord Lieutenant in Ireland. I may also say, that, although I shall be compelled to arraign and impugn certain acts which the noble Lord and his Government have committed, I shall not for one moment attempt to deny that that noble individual and that Government have performed great and useful services to the State. I do not wish, in the slighest degree, to deny a fact which is so patent to all; but at the same time I cannot think that those great services will in any respect influence the opinion of this House with regard to the question which I have now to submit to it. For the character and private worth of the right hon. Gentleman (Sir W. Somerville) whom I see opposite, also I must, in common with all the Irish Members, entertain the greatest respect. I am free to acknowledge the courtesy with which he has on all occasions transacted Irish business, and any other business in reference to which he is brought into communication with Members of this House. But though, in common with all with whom I act, I have these feelings with respect to the individuals themselves, I do not think that, in bringing forward the present Motion, I am taking a step which is unworthy either of myself or of the position I occupy as a Member of this House. It is not to be denied that it is a right inherent in any Member of this House, as well as in the House itself, at any time to take exception to, and consider, the public acts of public men. But, though nobody can deny this, I feel as much as any one the great responsibility that attaches to a Member of this House who takes such a course; and I think that no Member of the House of Commons can stand in a more invidious or worse position, than that he should on light, frivolous, or vexatious grounds, attack the character and the acts of Gentlemen who hold high office under the Crown. Before I resume my seat, however, I believe I shall so present to the House the transactions to which I allude, that I shall convince the House that neither the charges I bring forward are light and trifling, nor the course I take frivolous and vexatious. I desire most carefully to abstain from making an attack upon the private character of any one; and I am certain that by no possible ingenuity or contortion of facts will it be shown that this Motion is intended as a personal attack. Sir, I now impugn the acts of political men openly, in the face of the country and in the presence of their own Colleagues, upon public grounds, and upon public grounds alone. The transactions to which I allude are public acts. They have been justified, if justified it can be termed, upon public grounds. They involve what the House will no doubt consider an unwarrantable employment of the public money. Now, if this be not a public question, and a question worthy of the serious attention of the House, I cannot conceive what a public question really is. I will not weary the House with further preliminary observations, but at once endeavour to detail, as shortly as possible the particular transactions to which I refer, and which are transactions as unpleasant to the House to hear, as they are disagreeable to me to describe. The transactions between the Irish Government and the editor of a Dublin newspaper called the *World,* were brought to light upon a trial which took place in the Court of Queen's Bench in Ireland on the 5th and 6th December last. It was an action brought against the right hon. Gentleman the Chief Secretary for Ireland by an individual of the name of Birch, to recover a sum of money alleged to have been due for services performed by Birch for the right hon. Gentleman; and in order to make the House fully aware of what were the particulars of the demand, I will state the mode in which it was made. The first demand by Birch against the right hon. Gentleman was—

> "To balance remaining due for work and labour and services rendered by the plaintiff to and for the defendant, and also for work, labour, and services rendered by the plaintiff, in support of the existing Administration, at the instance and request of the defendant, from the 16th July, 1848, to the 16th of January, 1851—6,700*l.*"

That was objected to on demurrer, as not being sufficiently specific. The bill of particulars was then amended and another put in, which was also considered unsatisfactory. In the end, the plaintiff sent in the following bill of particulars as that upon which he rested his claim. This states—

> "That the defendant having retained the plaintiff as a journalist, to devote his journal to the composing, printing and publishing of articles in support of the existing Administration, to which the defendant was and is attached as Chief Secretary of Ireland :
>
> "Composing, printing, and publishing said articles from the 16th day of July, 1848, to the 16th day of January, 1851—balance £6,050 0 0
>
> "Also I send you with this a specification of and reference to the dates and particulars of the said several articles.

"Attending the defendant and his secretary weekly during said period in reference to the composing, printing, and publishing of said articles, at 5*l.* per week ...	£650	0	0
"To 12,000 copies of the *World* newspaper at 6*d.* per copy in which said articles appeared, published and distributed by defendant's order to the defendant, to Peers, Members of Parliament, clubs, news-rooms, and forwarded to France, America, the colonies, and to leading parties throughout England and Ireland	300	0	0

Making in all the sum of 7,000*l.* Such was the origin of the action, and such the claims brought by Mr. Birch against the right hon. Gentleman the Chief Secretary. The defence set up was this: the main facts of the case were not denied. It was not objected that this work had not been done and performed; but the defence set up was, that the original understanding was with the Lord Lieutenant, and not the Chief Secretary, and that his Excellency had discharged all the claims brought against him by the plaintiff Birch. Having thus shown the nature of the action, and that it was not denied by the Irish Government that Birch had been employed by them, I will now proceed to describe what was the character of that gentleman, and what was the character of his paper—the *World*. It was a paper which had been established in Dublin for some years, and its circulation was very limited.

"In 1846 its average circulation did not amount to 600 a week: the total number of stamps issued to it in that year were 30,913. In 1847 they had increased to 39,893; giving an average issue of not quite 800. In 1848 it appears to have nearly doubled its issue; the number of stamps issued to this journal in that year amounting to 60,970: an average issue of not quite 1,200 a week."

Now, that, I think, will show the House pretty clearly what was the circulation and what was the character and influence of the journal in question. It was a paper of a very peculiar character. It had always been in the habit of publishing in its numbers articles of very great political ability. It discussed the various transactions that were going on in the political world with singular talent. But, at the same time, in addition to that, there were generally to be found in that paper articles of the most disgraceful and libellous description, to which I can discover no parallel except in the columns of a paper once known as the London *Satirist*, and which has now become utterly extinct. These personal attacks were of the grossest and most horrible character. They were attacks upon private individuals. They gave the names of persons in full. They contained accusations of the basest and most improper actions; and, in fact, they were such articles that I should be very sorry indeed to read an extract from them to this House. No one was safe from these attacks. Every person of character and station in the country was exposed to them. Female chastity and manly honour were alike assailed. The credit of the opulent merchant and the character of the small shopkeeper were equally held up to derision and contempt, and charges were thus published and circulated that were disgraceful to any print. In addition to this, it seems to have been the practice of this man, on more than one occasion, to endeavour to extort money from various individuals, under the threat of publishing these disgraceful articles. I could read to the House specimens of these articles, but I am sure the House would not desire it. Indeed, I should not like to pollute my lips by doing so. There are a few extracts to be found, however, in a paper contained in the *Dublin University Magazine* of the last month, which will be quite sufficient to satisfy any hon. Member who refers to them of what was the real character of this journal. But justice at length overtook this person in the midst of his career. In the year 1845 Birch was prosecuted in the Court of Queen's Bench in Ireland for an attempt to extort money under a threat of publishing one of those libellous articles; and in order to show the House what was the opinion entertained of this man at the time, I will read to it a very short extract from the speech of the eminent counsel who conducted the prosecution on that occasion. The learned counsel said that—

"In stating his case he should have indeed very little more to do than to state, by way of preliminary observation, the way in which the publication of the libels commenced, and then proceed to read a series of as outrageous libels as ever were printed by one man concerning another, published in that form and by that agency through which they could procure the greatest possible dissemination. * * * He (counsel) did not think that within the code of criminal law, save the exception of crimes committed against the lives of Her Majesty's subjects, there could be a greater offence than that which the Act of Parliament in question had been passed to guard against."

Sir, the learned Gentleman who so eloquently stated the case and prosecuted

Birch on that occasion, was no other than Her Majesty's present Attorney General for Ireland. Well, this man Birch was found guilty, and sentence was passed upon him by Mr. Justice Crampton in these terms. The learned Judge said—

> "The indictment in the present case contains twenty counts; and they resolve themselves into three distinct charges. First, the professing to abstain from publishing defamatory matter against the prosecutor; secondly, the threatening to publish defamatory matter, with a similar intent; and, lastly, actually publishing libels on the prosecutor, with a similar intent—to extort money. * * * * Now, James Birch, you have been convicted upon all the counts of the indictment. It appears, upon the evidence, that you and the prosecutor were strangers to each other up to July, 1843; and you introduced yourself to his notice by writing a letter, in which you stated that certain parties had applied to you in your capacity of a journalist to notice certain transactions in which Gray was mixed up. Those transactions related to a compromise entered into in a certain suit between him and third parties. The matter was at an end. It did sleep until you raised it. And what was your motive? The indictment charges, and the jury have found, that your object was to extort money, through the instrumentality of the newspaper of which you are the proprietor. You threatened to expose him, and accuse him of fraud, usury, and perjury; and the prosecutor was weak enough to offer you money—400*l.* or 500*l.* was demanded, and, finally, 100*l.* was paid by the prosecutor for the purpose of purchasing silence. It was obtained by threats; and not content with that sum, you proceeded, in the correspondence, still further to threaten the victim you had in your hands. Your letters became more urgent; you threaten to expose everything before the public, and to effect his total ruin. You get the prosecutor's 100*l.*, but he subsequently became firm; he refused to give any more, and you then denounced him as guilty of perjury, fraud, and usury. The result was, your prosecution on the present indictment, and a verdict of guilty; which, looking upon the evidence, should satisfy, and certainly does satisfy, the Court as to its propriety. You now stand convicted of extorting money from this gentleman, who must be given credit for his courage in coming forward to face the terrible power under whose attacks he had already suffered; and tempering the law with mercy, while at the same time vindicating it in the punishment of a serious offence, the sentence is, 'That you, James Birch, be imprisoned in the gaol of Newgate for six calendar months.'"

That sentence was published in all the newspapers of Dublin, and was perfectly notorious to every one at the time. This, then, was the man who was employed by the Irish Government to write in its interests, and in the interest, as they termed it, of law and order. This was the paper which was selected by the Lord Lieutenant of Ireland and his Government, to assist them in repressing the very outrageous publications which appeared in some of the rebellious prints of that time. Now, Sir, I cannot help thinking that a very grave error was committed on the part of the Lord Lieutenant—an error both in principle and in judgment. I think it to have been an error in principle, because it is impossible to say that any public officer could be justified in engaging for one moment the services of a man who had been already convicted of such a serious crime in the columns of the very paper which was intended to be the authorised organ of that public officer. It is utterly impossible to defend such a transaction. It was also an error in judgment, because no assistance that could be given by such a journal could be useful to a Government that was determined honestly to discharge its public duties. But I believe, even if the paper had been the most ably-conducted paper in Dublin, and it were known to have been purchased by the Government, that its usefulness and influence would at once have been at an end. In my view, nothing can be more injurious to the circulation or the influence of a newspaper than the knowledge of its being paid and used by a Government for party purposes. I will now, for a short time longer, detain the House by describing, *seriatim*, the transactions which took place between the Irish Government and the editor of this paper. In so doing I shall make as few comments as possible of my own, but rather leave the House to judge for itself from the facts, and then fearlessly ask you, Sir, whether I have in any respect exceeded my duty in bringing this question before the House. It is my intention to make use only of documents, and of the evidence which was produced upon the trial of the action brought by Birch against the Chief Secretary for Ireland. Numerous letters and an elaborate correspondence have been placed at my disposal which were not produced by counsel upon the trial; but I think it would be improper in me to quote anything that is not contained in the evidence. To the evidence, therefore, I shall strictly confine myself. It appears that the connexion between the Goverment and this paper was first commenced in the year 1848; and in order to detail more clearly the mode in which that connexion was begun and carried on, I will read the evidence of Birch himself as given at the trial, and which evidence was not in the slightest degree contradicted or denied. On his examination Mr. Birch said—

> "He knew Lord Clarendon since March, 1848.

> Lord Clarendon's private secretary then was Mr. Corry Connellan. Sir W. Somerville's secretary was Mr. H. Meredyth. Was in communication with Lord Clarendon first in March, 1848. Had a letter from Mr. Connellan fixing the time for an interview, and called at the Castle accordingly. Had a very lengthened conversation with Lord Clarendon then. Acted for Lord Clarendon as public journalist and political agent after that."

It then appears, according to his own account, that he was not long in the service of the Government before he received the sum of 350*l.* He says—

> "This was money which witness had previously got, 250*l.* of it from Mr. Connellan, paid by Mr. M'Kenna's draft, and 100*l.* from Lord Clarendon.
>
> "To a Juror.—Lord Clarendon did not hand witness the 100*l.* himself. Witness was directed to go to the Park, and there saw Lord Clarendon. There were 100 sovereigns lying on the table, and Mr. Connellan told witness to take them up. Received the 250*l.* about the 22nd of March, 1848, and the 100*l.* in June, 1848."

During the early part of that year, in consequence of being so employed, it seems that he was in constant communication with the Government. Numbers of letters were produced on that trial which were written by the Lord Lieutenant's secretary, showing that he was so; and I will read one or two for the purpose of letting the House see what was the nature of those communications, and the footing on which this editor stood at the Castle. The first is dated—

> "Viceregal Lodge, March, 1848.
>
> "Dear Sir—The French news ought to turn to account. The triumph of the moderate party, the defeat and certain election of Ledru Rollin, the Irish fraternisers, and the vigorous proceedings of the Provisional Government in making arrests.
>
> "I presume that to-morrow's (Friday's) mail will bring us account of the capture of Blanqui and Cabet, the great Communist leader. The *morale* of this might be well applied to Mitchell and Co.—Yours truly, "CORRY CONNELLAN.
>
> "Mr. Birch."

Again, on the 5th of April, 1848, Birch received another letter from Mr. Connellan as follows:—

> "My dear Sir—His Excellency was entirely ignorant, I need scarcely say, of anything connected with the pike affair. And Brown!
>
> "Brown asserts he never directed Kirwan to order pikes, but merely to procure them.
>
> "Information can only be obtained from *mauvais sujets*, who often misinterpret their instructions, and exceed the limits of their commission.
>
> "His Excellency took not the slightest notice that Dr. M'Hale sailed for England until he saw it in the papers.
>
> "His Excellency's opinions, as you may suppose, were not in the smallest degree influenced by Dr. Yore's *crambe repetita.* You need not notice this in your paper."

That the House may understand that these directions were pretty nearly carried out, I may state that in the next number of the *World* I find that the first leading article is upon the affairs of Brown, Kirwan, and the pikes; and then in the notices to correspondents are these remarks:—

> "NOTICES TO CORRESPONDENTS.—The Archbishop of Tuam.—'Paul Sarpi,' is acquainted that we are ignorant of the nature of the London mission undertaken by the Archbishop of Tuam and Dr. O'Higgins. As to the interview which it is said Dr. Gore had with Lord Clarendon, we have heard it rumoured—but with what truth it is not for us to say—that although the well-intentioned ecclesiastic, contrary to the Fransoni injunction, introduced politics and broached the question of repeal, the Viceroy gave him no encouragement."

Now, Sir, I think it is quite clear that that article was written in consequence of the communication which Birch had received from Mr. Connellan. The communications appear to have been continued until the month of July, on the 17th of which the following letter was written from Mr. Connellan to Birch, who was at that time in London:—

> "My dear Sir—I am so pressed with business that I have only time to apprise you that H. E. will write to-day to Sir William Somerville to state his opinion that your journal has done good service to the cause of peace and order, and in the interest of the Government.—Yours, &c.
>
> "To J. Birch, Esq." "CORRY CONNELLAN.

In his evidence on the trial, Birch details the occurrences which took place whilst he was in London, which principally related to his claims for further remuneration for his services. About this time also a most extraordinary letter was written by the Lord Lieutenant's Secretary to Birch. It would appear that the latter did not find the supplies coming in quite so fast as they did during the first year of his employment—and he begins to be importunate. On 19th March, 1849, therefore, the private secretary of the Lord Lieutenant writes him as follows:—

> "Dear Sir—I have had a letter from Sir William Somerville, announcing the receipt of one for you, upon the receipt of which I shall have a conversation in London (for which I start on Wednesday morning) with the Lord Lieutenant. As to the phrase, 'lukewarm support,' in your last note, I have only to remark that no journal in England receives any subsidy; and that in one year you have had more than twice as much as was ever paid in the same period to the only newspaper in Ireland which is aided by public money.—Yours truly, "CORRY CONNELLAN."

It would really appear as if this system of subsidising newspapers by public money were a system which had been in operation in Ireland for some time; and I think I have a right to ask, and the House of Commons has a right to know, what is the "other newspaper" which receives subsidies from the public money, and how much Her Majesty's Government pay to newspapers for supporting the acts of their administration. Shortly after the date of the letter which I have just read, a most extraordinary episode occurred in the communications between Mr. Birch and the Castle, and there was an interruption of the friendly intercourse which had for more than a year at that time prevailed. What the exact nature of the attack was I cannot conceive, but certain it is that most unpolite words were used by Birch in reference to some persons connected with the Castle, and a retractation was thereupon demanded by the private secretary of the Lord Lieutenant, whose letter is dated the 17th of May, 1849. In it he says:—

> "May 17, 1849.
>
> "Sir—Having, by desire of the Lord Lieutenant, communicated to Sir William Somerville your letter, in which you made use of the phrase, 'deliberate liars,' I am directed to inform you that a retractation of these words is demanded. If, therefore, you write me a line to that effect, and will send a confidential person here at three o'clock to-morrow, he shall receive the sum of 100*l*., for which I am credited.—I am, dear Sir, yours, "C. CONNELLAN."

Now that was certainly the best possible way of arranging such an affair of honour. I have no doubt that Birch deemed it to be for his interest to accept that 100*l*., and make the retractation. At all events, notwithstanding this episode, friendly relations were very speedily re-established, harmony was restored between the editor of an Irish newspaper and the Government in Ireland, and things went on as before. Accordingly I find that on the 10th of November, 1849, he receives 100*l*. from the Chief Secretary; and on the 19th of December, 1849, another 100*l*. from that right hon. Gentlemen. But when we reach the beginning of the year 1850, it is evident that he becomes increasingly importunate. I suppose that money was not so plenty at the end of 1849, and accordingly he begins at this period to write letters of a most threatening and menacing nature to the Government:—

> "Dublin, March 31, 1850. 7, Richmond-street, Mountjoy-square.
>
> "Sir William—As it is now quite evident that Lord Clarendon has determined to trample upon me, by leaving me no alternative but that of supporting a most unpopular Government, whose general policy I believe to be most ruinous, and which, were it otherwise, the pride of manhood would revolt from sustaining—seeing that I have no hopes from it, nor do not possess a particle of its confidence, or permitting my reputation and property to be sacrificed, and my motives and conduct misinterpreted, one course alone is left me. I have calculated the gains and loss of the steps forced upon me. I believe I have done nothing dishonourable or that I need be ashamed of; but if I have, Lord Clarendon, you, and her Majesty's Ministers have been compurgators with me.—I have the honour, &c. "JAMES BIRCH.
>
> "Sir Wm. Somerville."

That letter was answered by the Chief Secretary for Ireland on the 11th of April, 1850, as follows:—

> "London, April 11, 1850.
>
> "Dear Sir—I received your last letter, which was forwarded to me to the country. I can only say now, as I believe I have said before, with reference to former communications, that I am utterly unable to draw an opinion from your remarks. Whatever you may think, I feel certain that no journalist was ever treated with greater generosity or consideration than you have been. I am equally certain that Lord Clarendon never means to 'trample' upon anybody, and that he would not desire the support of any man who does not conscientiously give it. For myself, I can only say that I am not aware of having given you any cause of offence.—I remain, dear Sir, yours faithfully, "W. M. SOMERVILLE.
>
> "James Birch, Esq."

This did not satisfy Mr. Birch, and another letter of a stronger nature was written about this time to the Chief Secretary:—

> "Sir William—I have just received Lord Clarendon's letter—the letter I long anticipated. I shall now know the course to pursue, and he shall find he has no political prostitute. You have relieved me from all embarrassment by saying you don't care what was published.—I have the honour, &c. "JAMES BIRCH.
>
> "Sir Wm. Somerville, Bart., M.P."

Then comes a series of letters from Birch complaining of bad treatment, want of confidence, and great ingratitude towards him on the part of the Government, begging for money and a place for his brother, and stating that the Government had promoted several persons who were very much in the same position as himself, and had done them political service. Notwithstanding all these letters he received in July, 1850, but 50*l*.; and in August, finding he had little hopes of obtaining any more, he began to take offensive measures, and sent in to the Lord Lieutenant of Ireland his "little bill." It was couched in the following terms:—

> "Lord C., Dr. Birch, Cr.
>
> "For supporting law and order in the *World* for two years, and for rendering service to the Government, 50*l*. a week—6,500*l*."

These sums the Lord Lieutenant very naturally refused to pay, and on that refusal Birch commenced proceedings in the Queen's Bench; and this is the most extraordinary part of the whole story. Birch, having commenced proceedings in the Queen's Bench, a number of documents were, I believe, placed upon the file; but I suppose that, fearing the exposure which would accrue from a public trial, the Lord Lieutenant found it more for his credit and advantage to compromise this trial. A release was accordingly drawn up and signed by the Lord Lieutenant's attorney and by Birch. The solicitor of the Lord Lieutenant, Mr. Geale, in describing the release of the trial said—

> "The release is in witness's own writing, under the direction of counsel, under Lord Clarendon's authority; had three interviews with Mr. Birch in arranging this settlement. Was not then acting for Sir William Somerville. Asked Mr. Birch for some letters at that time before witness gave the 2,000*l.*"

It appears that as well as an answer to all claims, it was a part of the bargain that Birch should give up certain documents in his possession. The deed of release is in the usual terms. It is dated 4th November, 1850, and is under the hand and seal of James Birch; it recites that—

> "James Birch brought an action against the Earl of Clarendon, seeking to recover a large sum of money alleged to be due to him for services rendered by said James Birch, tending to the suppression of the rebellion in Ireland—for the insertion of divers paragraphs in the *World* newspaper, and other services relating thereto; and whereas the said Earl of Clarendon altogether disputes such claim by the said James Birch, still in order to avoid litigation, and fully to satisfy any claim or demand of the said James Birch, which he has or alleges to have against the said Earl of Clarendon or any other person, for the services so rendered by the said James Birch to the said Earl of Clarendon, for the purpose aforesaid, the Earl of Clarendon has agreed to pay the said James Birch the sum of 2,000*l.*, and in consideration of said sum the said James Birch has agreed to release and discharge the said Earl of Clarendon and all other persons, from any demand whatsoever. Know all men that I, James Birch, by these presents, do release, acquit, and discharge the said Earl of Clarendon and all other persons from all actions, suits, claims, and demands whatsoever of mine, the said James Birch, or in relation to the services so rendered, or alleged to have been rendered, to the date of these presents, and also for all costs incurred by said James Birch, or to his attorney, in relation to the execution of these presents."

This affair became rumoured through Dublin at the time, and the most mysterious reports prevailed, but the general opinion seemed to be that nothing more would be heard of it. But Birch, after pocketing his 2,000*l.*, lay by for a time to see what he should do next, and again in January, 1851, we find him demanding more money and writing to the Chief Secretary. He stated in these letters that he was in great distress, that his reputation and fortune were ruined by his connection with the Government; that the Chief Secretary was in his power, and he asked him (the Chief Secretary) for a character. On finding that his representations were not attended to, and that the Government was not inclined to give him a character, Birch wrote to the noble Lord at the head of Her Majesty's Government, and I think that the House will perceive that this letter is really the climax of impudence—the most extraordinary production that was ever brought before the public. The letter is addressed from Peel's Coffee-house, Fleet Street, London, and is as follows:—

> "London, July 19, 1851,
> Peel's Coffee-house, Fleet-street.
>
> "My Lord—If you not apprised already of the fact, I beg to acquaint your Lordship that I have instituted proceedings against Sir William Somerville in the Queen's Bench, for the recovery of what I believe to be a legal—but what, at all events, I shall be greatly disappointed if the country do not consider a most equitable claim.
>
> "It was my desire to restrain as much as possible all personal feeling in the case, and to endeavour to have it brought before a legal tribunal dispassionately, and, as far as I was concerned, without acrimony. I therefore wrote to your Lordship from Dublin, a considerable time since, and also to Sir William Somerville, requesting that an appearance might then be given to the attorney I should name, so that I might have no unnecessary trouble or expense in submitting my claim to a legal tribunal. All honourable men that I ever heard of before are willing to submit to make an arrangement, but your Lordship and Sir William Somerville tacitly declined to do so. I made a similar demand here, and it was only after my attorney had twice written, that Mr. Coppock, the well-known political agent of the Reform Club, appeared to answer for Sir William Somerville. To-day my attorney has informed me that a notice has been served on him, as a preliminary, to compel me to give security for costs.
>
> "I have no objection—certainly not, to any step that might be deemed requisite to guard any person or party against a vexatious or pauper litigant; and your Lordship and Sir William Somerville may have some reason to apprehend that the man whose property you have destroyed, and whose reputation you have attempted also to blast, may be unable to bear a harassing legal contest with the British Government; but I do respectfully insist that Sir William Somerville could have informed Mr. Coppock of my occupation, profession, and residence, and that for the costs of such an action as I am bringing in a neighbouring assizes town, I have at least pro-

> perty enough left in Ireland to hold him, or rather the present Government, harmless."

Now, Sir, it is a very extraordinary fact, that wherever there is any queer work going on, there this Mr. Coppock is certain to be found.

> "As I conceive the step taken is only preparatory to other proceedings of a vexatious character in which I will be committed with a powerful Government and its numerous retainers, I shall consider the next unfair aggressive measures as perfectly justifying me in accelerating the fatal consequences to Sir William Somerville, and all connected with the case, which I firmly believe ultimately to await them, by publishing and circulating a faithful and impartial version of my cruel treatment, and endeavouring, if I can, to obtain some Peer or Commoner to present a petition of my grievances and unprecedented case to the Legislature.
>
> "My wish is that the public should hear first, in a court of law, the narrative of my affairs—from Lord Clarendon, Lord Palmerston, and yourself; but circumstances may render my desire impracticable and impolitic.
>
> "If once my connection is explained, and the services I rendered, and my sacrifices to the Crown made known, I shall bow my head with resignation, and even if defeated upon some technical point, I shall not complain.
>
> "One thing, if the truth be told, cannot be denied—that you gave me, during a lengthened period, and in various sums, 3,700*l*.; that by the letter of your Irish Chief Secretary I might still have been a stipendiary advocate; and that, having refused the proposal, a terrible effort is now about to be made to ruin me."

Birch having at length found everything unsuccessful, and having tried every means either to continue in the service of the Government, or to obtain more money from them, brought an action at law, by which all those matters were brought to light. The action was tried in the Court of Queen's Bench, in Dublin, before the Lord Chief Justice. The trial occupied two days, was conducted with great ability on both sides, and caused a high degree of public interest; but the most extraordinary event which occurred at the trial is one which I feel it most disagreeable to refer to. The Lord Lieutenant of Ireland was produced as a witness on that occasion, and, Sir, I feel that I shall be obliged to read and allude to the evidence of that noble individual, although that is to me by far the most painful part of the duty I have to perform. The Lord Lieutenant was called by the plaintiff, and appeared upon the bench. The whole court, the Judges, and the Bar, rose to receive his Excellency. It was the first time in the annals of Irish history that the Viceroy appeared in the witness-box—he was sworn upon his honour. It was a most unusual proceeding—it was a thing never seen before, and caused great excitement in Dublin at the time. When that noble individual came to the court of law, he did not come as he might have, without doing anything derogatory to his position as the representative of Her Majesty—he did not come to give evidence as to a question of property in dispute between man and man—he did not come to throw the ægis of Royal authority and protection over wronged worth or injured innocence, or to testify to the public services of a meritorious officer of the Crown; but he came as a witness against his own Chief Secretary—against his own political colleague, at the bidding of a miserable man by whom he had been trapped and misled. The Lord Lieutenant was examined by Mr. Meagher, the counsel, at considerable length as to his connexion with Birch and his knowledge of his paper. In the course of the evidence his Excellency stated that he hardly ever saw Birch's paper. Now, Sir, I should like to know if his Excellency was aware that there were invariably two leading articles in the *World*—one praising the policy of the Irish Government, the other the foreign policy of the Administration, in the highest degree. I have a right also to ask if his Excellency, at the same time that he told Birch he might abuse himself (the Lord Lieutenant) as much as he pleased, also told him that he might give no support to the Government; and how it was that Birch received a letter from the secretary of the noble Lord then at the head of the Foreign Office, offering him such information as he might desire for the purpose of defending the Government? I have not got that letter by me. It was produced at the trial, but as it is not of any great importance, I did not think it necessary, as the reading of all the documents would but weary the House, to provide myself with it. [*An Hon. Member here handed the noble Lord a document.*] I have just received a copy of the letter, and will therefore read it to the House:—

> "(Private.) Foreign Office, May 9, 1849.
>
> "Sir—I am directed by Viscount Palmerston to express to you his thanks for your communication of the 7th inst., and I am to say to you, that if, through your agent or correspondent in London, you should write at any time to ascertain the circumstances of any information which you may have received, and upon which you may propose to found any argument or opinion, I shall be ready to receive such correspondent or agent, and to afford him such information as I may be autho-

rised by Viscount Palmerston to give.—I am, Sir, your most obedient servant,

"SPENCER PONSONBY.

"James Birch, Esq."

That letter will satisfy hon. Gentlemen that Birch's paper was, at all events, in the interest of the Government. The answer of his Excellency to counsel as to the connection with Birch at a later date, and his obtaining Birch's support for "law and order" then—that answer, in which his Excellency states that he was not aware that law and order required it at the time, would lead to the belief that the engagement was of a temporary nature to counteract the rebellious writings which were circulated throughout Ireland at that period. But what was the fact? The rebellion was terminated by that miserable fusillade in the cabbage garden at Ballingarry, on July 29, 1848, and Smith O'Brien was convicted on October 7 of the same year. Yet I will prove that in 1849 Birch was in constant communication with the Government—that after his retractation letter of the 17th May, in that year he got 100*l*., on Nov. 10, 1849, another 100*l*., and on Dec. 19, 1849, a third sum of 100*l*., more than a year after Smith O'Brien was convicted. It was absurd, then, to say that this was merely a temporary arrangement come to with the editor of a paper for a certain purpose. It was evidently an arrangement with him to support the measures of the Government generally, on the understanding of receiving a certain reward. Mr. Meagher continued his examination:—

"Counsel: Did your Excellency make any payment to Mr. Birch for the services which you accepted from him in defence of law and order?

"His Excellency: Yes.

"Mr. Meagher: What sum on that account?

"His Excellency: He received sums at various times; I could not exactly say the amount paid him. The first time I saw him he asked me for money, for the purpose of rendering his paper, as he said, more efficient. I told him there was no fund applicable to it, but I offered him 100*l*., if I remember right, and he said that would not be sufficient for the purpose, and I then increased it to about 350*l*. This was in the beginning of 1848—the month of February, I think.

"Mr. Meagher: Does your Excellency know that any further sum of money was paid to Mr. Birch in London?

"His Excellency: Yes.

"Mr. Meagher. From what fund?

"His Excellency: From a sum placed at the disposal of Sir William Somerville, at my request.

"Mr. Meagher: Out of the public funds?

"His Excellency: I did not say that it was out of the public funds.

"Mr. Meagher: I thought I understood that from your Excellency.

"His Excellency: I said they were funds placed at the disposal of Sir William Somerville at my request.

"Mr. Meagher: May I take the liberty of asking your Excellency whether or not they were public funds?

"His Excellency: Part was from a sum applicable to special services, part from my own private pocket; the money applicable to special services was at my request and on my responsibility, and has been paid by myself very long ago."

This proves beyond doubt, from the lips of his Excellency himself, that these services of this man were paid for out of the public funds. It is true his Excellency says that the money was repaid; but so many remarks were made at the time regarding this repayment, that I have a right to ask —and I hope whatever Member of the Government will answer me will state explicitly—when that money was repaid? It is one of the most material questions, and one which the House has a right to have answered. The Lord Lieutenant was cross-examined by Mr. Brewster, in the course of which his Excellency stated that he knew nothing of Birch or his paper previous to 1848. They were bound to take those answers as his Excellency had so stated them; but if his Excellency knew nothing of Birch's antecedents, he was most shamefully kept in the dark by his subordinates, for he was surrounded by persons who could have informed him of the character of this man. The right hon. and learned Gentleman opposite (the Attorney General for Ireland), who had so ably prosecuted Birch on the occasion when he was sentenced to six months' imprisonment, was actually Solicitor General to the Irish Government at this period; he was in constant communication with the Castle, and he must have known the character of Birch. Mr. Corry Connellan, who was four years private secretary to Lord Clarendon and to former Lords Lieutenant, who was a barrister himself, and constantly residing in Dublin at the time, could not have been ignorant of Birch's antecedents; and all I can say on the matter is, that the Lord Lieutenant's subordinates treated him exceedingly ill. I have now concluded this most unfortunate and most unpleasant case. I have shown the House the arrangement which was come to between the Irish Government and the editor of a newspaper; that the services of that paper were accepted by the Government; and that the Government paid for those services out of the public money. These facts are in evidence from the admissions of the parties engaged in them. There can be no doubt as to the facts—the evidence cannot in the slightest degree be impugned. Therefore I cannot conceive that I, a Member of the Opposition in this House, have done wrong in submitting this case to the consideration of the House. I think it one worthy their consideration, and I cannot conceive but that the decision the House will arrive at to-night will be regarded as of the utmost importance. I believe that upon that decision rests the scale of public morality. [*Laughter.*] Hon. Gentlemen may laugh, but I do say that the decision of the House to-night will decide whether it is right that the Government should subsidise a newspaper—a disreputable newspaper—with the public money. That is the question which they have to decide. This case is one which I think merits the condemnation of this House, and upon which I will ask them to decide. I do not know what course Her Majesty's Ministers may take on the present occasion—deny the facts they cannot, and defend them I am sure they will not. But the House will not, I am sure, entertain it as a light and unimportant question, but rather as one of great gravity and importance; and having heard all that is to be said on both sides, they will come to no other conclusion save that which is embodied in the Resolution I have the honour to submit.

Motion made, and Question put—

> "That, in the opinion of this House, the transactions which appear recently to have taken place between the Irish Government and the Editor of a Dublin Newspaper, are of a nature to weaken the authority of the Executive, and to reflect discredit on the administration of public affairs."

LORD JOHN RUSSELL: I agree, Sir, with the noble Lord who has brought forward this Resolution, that there is a most grave question for the consideration of the House; and let not the noble Lord attempt to extenuate or diminish the gravity of that question. The noble Lord said that he wished to do nothing vexatiously; that he wished to avoid saying anything personal respecting Lord Clarendon. Now, the House must be aware that the attempt of the noble Lord by his Motion is to blast the character of the noble Lord at the head of the Government in Ireland—to affix a disgrace upon a man who has rendered great public services, who has been for many years engaged in political life with great credit and with great honour, and who, above all, has rendered great public service to that country, of which the noble Lord (Lord Naas) is a representative. Let not the House, then, at all believe that the noble Lord is bringing forward a question of mere speculative reference to public morality, for it must entail the consequences which I have mentioned; and I must examine, therefore, upon what foundation he asks this House to come to so grave and so penal a declaration as that embodied in his Resolution. The facts with respect to these transactions require, I think, to be gone over again, after the narration of them by the noble Lord. In the first place, let me say, however, that for my part I never heard from Lord Clarendon a single word upon this matter, or upon his relation with Mr. Birch, until after the notice of the noble Lord's intention to bring on this Motion—in fact, four days ago. The letter which has been read by the noble Lord as having been addressed to me by Mr. Birch, was, I believe, cast aside unnoticed, as one of those communications which frequently come to me from people who are either so wild, so insane, or so worthless, as not to be deserving of notice. Let me now then state the facts as I had heard them from Lord Clarendon, as I have gathered them from the reports of the trial, and as I believe them undoubtedly to have been. In the spring of 1848, after the revolution which had taken place in France, the state of Ireland was one of great peril. At that time Mr. Birch sought the Lord Lieutenant of Ireland, and told him that his own disposition was in favour of supporting the Government of the country against the revolutionary doctrines which were then so actively dispersed among the people, and that as his newspaper was a weekly one, and circulated together with the most pernicious of those publications which were preaching up rebellion, he could be of great use in maintaining the connection between Great Britain and Ireland, and in supporting the cause of peace and the maintenance of law. In this situation of affairs, and under circumstances which I shall have hereafter to describe to the House, Lord Clarendon accepted Mr. Birch's offer. Mr. Birch then stated—and I will quote the words which Lord Clarendon used, and to which the noble Lord (Lord Naas) has already referred:—

> "I then saw Mr. Birch, and in the state of

public affairs at that time, I think I should have failed in my duty if I had not accepted offers which any person made in support of law and order. Mr. Birch offered to write in that sense, and I told him he might do so, although I did not expect much good to result from his labours. I told him, at the same time, that he should offer no support to the Government, and that, as for myself, he might abuse me as much as he liked, as I was perfectly indifferent to it."

Now, Sir, that passage shows that what Lord Clarendon wished to be done was writing in favour of the maintenance of law against the attempts at rebellion, and that he did not seek any support to his own Administration. The letter afterwards written by the right hon. Baronet the Chief Secretary for Ireland, corroborated exactly what was stated by Lord Clarendon. On the 30th of April, 1849, Sir William Somerville said, in a letter addressed to Mr. Birch—

"As far as I am concerned, my sole motive throughout was to aid a journalist who professed himself anxious to promote the cause of public order ; nor can I charge myself with having done, or left undone, anything at all calculated to give you just cause of complaint."

On the 3rd of July, 1849, he also writes—

"If there is anything I can legitimately do to aid you in your efforts to promote the cause of order and good government, I shall be glad."

And again, in November of the same year, he says—

"I can have no other view than the public good, and I say the same for the other parties named in your communication."

These are the statements of Lord Clarendon and of the right hon. Baronet the Chief Secretary for Ireland. The noble Lord opposite says they are men of high public character—he has not impugned their character—and therefore the House, upon the statement of the noble Lord, will accept those declarations as being the real motive which actuated the Lord Lieutenant of Ireland and the Chief Secretary throughout these transactions. The editor of this newspaper, the *World*, the noble Lord says, was a person who was a discredit to any newspaper with which he was connected, and referred to his previous connections; and although he acquits Lord Clarendon of any knowledge of the facts, he states that he certainly ought to have known them. Now, for my own part, the first occasion upon which I had ever heard or read of the *World* newspaper, was in the most complimentary terms, having seen in it a letter from Lord Elliot (now Earl of St. Germans) once Chief Secretary for Ireland in which the newspaper is mentioned. The letter was dated September, 1842, and was as follows:—

"Sir—Believing that the recent prosecution instituted against the *World* newspaper was owing to the displeasure with which some of the political opponents of the present Government have viewed the course taken by that journal, I cannot but exceedingly regret that the very independent support which you have given to the measures of the Government should have subjected you to this treatment. Differing as you do from the Government upon many and most political opinions, I cannot but think that your conduct as proprietor of the *World*, in having considered and discussed their acts with impartiality and candour, is very creditable to you. With these feelings I very willingly subscribe the sum of 50*l*. to the fund for paying the expenses of this prosecution."

[Lord NAAS: What is the date of that letter ?] This letter is dated September 1842, and was written at the very time that the Earl of St. Germans was Chief Secretary for Ireland—and the Earl of St. Germans is a man of the highest character—and I certainly never should have supposed, after seeing that letter, but that the editor of this newspaper was the editor of a respectable journal, expressing his own impartial and independent opinions. Mr. Birch has sent me copies of a number of other letters, some of them to the same effect, purporting to be from Earl De Grey, Earl Gengall, and others. I know not what authority those letters may have, and I shall not, therefore, quote them. I received the letters to-day, and as I consider that the word of Mr. Birch is but of little value, I shall decline to quote them upon his own unsupported authority. Mr. Birch, it appears, in his statement to Lord Clarendon, stated that it was very difficult to procure a sale for a paper which did not deal in the exciting topics of the day in favour of rebellion, and asked for some money to enable him to get agents, and to pay for the expenses connected with increasing the circulation. That, it appears, was the first beginning of his receiving money, and Lord Clarendon at first let him have 100*l*., which was afterwards increased by various payments to 1,700. But in the year 1849 the times had materially changed. At the end of 1849 there was no longer any danger to be apprehended to Ireland, and it appears that the Lord Lieutenant did not direct any further sum to be paid to Mr. Birch. But, Mr. Birch importuned at one time and threatened at another, as must have been seen in the letters produced at the trial—letters addressed by him to the Lord Lieutenant and Chief Secretary. In the beginning of 1850, Lord Clarendon, having considered the matter over, asked some of his friends, whom he consulted, whether it ought to be considered that the sums advanced to Mr. Birch were properly payable out of any public fund entrusted to his disposal, or whether they should be paid out of his private purse? The question was referred to my right hon. Friend the Chancellor of the Exchequer, and he was of opinion that they ought to come out of the private funds of Lord Clarendon. Accordingly at the beginning of 1850, all sums that had been taken out of the public fund for this purpose were repaid to that fund, and the whole charge for this expenditure was at the sole expense of Lord Clarendon. But Mr. Birch being determined to give notoriety to these transactions, or to extort money from the Government, demanded a sum of 4,000*l.* for his services. Lord Clarendon was advised that if the matter came before a Court of Law, as he never made any express stipulation with Mr. Birch, or entered into any contract, but as he had paid him from time to time, the jury might find a verdict for a large sum, and that it would be safer for him to make some adjustment of the claim. In consequence of that advice, Lord Clarendon paid Mr. Birch 2,000, which, with what he had already received, made 3,700*l.* a sum much more than adequate for the payment of any services he had performed. It would have been thought that after these transactions his relations with the Government would cease; but being determined, if he could, to extort more money, he proceeded to bring his action against my right hon. Friend the Chief Secretary for Ireland, which was heard last December, and with the particulars of which the House is acquainted. Upon that trial Lord Clarendon was examined as a witness; he declared that he never directed in any way what should be the course of the paper, that he never wrote a line in it, that he read the leading articles during the excitement of 1848; but that after the danger was over it was not his custom to read them. I come now to the transactions which are connected with the present motion. It suits the noble Lord (Lord Nass) exceedingly well to omit all mention of those circumstances, which made a great impression at the time, and which Members of this House will hardly forget. In the beginning of 1848 a democratic revolution took place in France, which destroyed the monarchy, set up a republic in its place, with democratic leaders, and proclaimed, in somewhat ambiguous terms, its intention to help the oppressed nationalities in other countries. The disaffected in Ireland immediately endeavoured to take advantage of that circumstance. Clubs were raised in Ireland, expressly for the purpose of severing that country from Great Britain. Clubs were established for the purpose of throwing off the allegiance to the Crown, and a special mission was sent to France, with the idea of securing French assistance for the contemplated rebellion. This House cannot forget the withering reply which my right hon. Friend the Secretary of State for the Home Department gave to questions put in this House by one of those who had returned from that mission. To enable the House to remember still more vividly the circumstances to which I allude, I will read some few, and only a few, of the extracts of the Dublin newspapers which then circulated, and which, containing the most exciting matter, were read with the utmost avidity, while those newspapers which supported law and order were either only circulated amongst the higher classes of society, or else had a very limited circulation. These extracts will show what was the nature of the danger, and what was its extent. In the beginning of March there appeared in an Irish newspaper recommendations for street fighting, in imitation of what had taken place in Paris. Advice was given to take up the pavements, to procure missiles, and how best to destroy the soldiers who were to defend the authority of the British Crown. After recommending these missiles, this journal (the *United Irishman*) said:—

> "To these missiles from windows and housetops revolutionary citizens always add boiling water or grease, or better cold vitriol, if available; molten lead is good, but too valuable."

In the *Nation* newspaper the week afterwards, the 11th of March, it was said:—

> "We demand a convention fit to treat with England for our freedom—a convention representing the people, and whom the people will obey."

On the same day the *United Irishman* said—

> "We must utter and maintain tho godsent truth—the decree that is in the hearts of us all—Hate England to the death."

This was the language commonly used and generally spread by these newspapers in Ireland. On the 18th March, a similar passage appeared in the same newspaper, the *United Irishman*. It was a letter to the Earl of Clarendon:—

> "And, as for the same warlike and treasonable articles in this newspaper, they will be steadily continued and improved upon, week after week, until they have produced their effect—the effect not of a street riot to disturb a peaceful meeting, but of a deliberate and universal armament, to sweep this island clear of British butchers, and plant the green flag on Dublin Castle."

The letter was addressed to "The Earl of Clarendon, Her Majesty's Executioner General, and General Butcher of all Ireland." In another passage—

> "That a strong English reaping-hook is a capital weapon; and in case of street fighting let no powder be too explosive, or no instrument be too hot for fair hands to lift and hurl down upon the enemy."

This was the kind of language Lord Clarendon had to meet. These were the circumstances in which he thought it advisable to spread an antidote against such poison. These were the circumstances in which he aided and encouraged a public writer, not to defend his conduct, not to defend his merits, or those of his Administration, but to defend the cause of the United Kingdom, the cause of the Imperial Parliament, the cause of the existence of this Empire. There was another passage, written in a similar tone, in which it was added that their object was to destroy the accursed British empire. These incentives had very great effect. Arms were secured, pikes were manufactured, and there were a number of clubs in the different towns, as well as affiliated clubs scattered throughout the country districts, avowedly for the purpose of making an insurrection, driving out the Queen's troops, and plundering every man of property in the country. These were the circumstances under which Lord Clarendon was called to govern Ireland. On the 22nd of July, on a Saturday morning, I proposed in this House to suspend the Habeas Corpus Act, and at seven o'clock on the same evening a Bill, with only eight dissentients out of an assembly of 300, suspending the Habeas Corpus Act, passed through all its stages. What must have been the danger and the imminent peril which would have induced the House of Commons to pass a Bill suspending the liberties of the Irish people—and which induced them to act with such speed and such unanimity? Well, Sir, these measures, with other measures of Lord Clarendon, completely defeated the intended insurrection. It was intended to defer for some six weeks, or about the time of the harvest, the outbreak. When the leaders found their persons were to be seized, they were forced into premature insurrection. Lord Clarendon was alive and vigilant to the danger. He instantly despatched General Macdonald into those parts which were threatened; and the insurrection, according to the admission of the noble Lord, which was formidable a week before, failed entirely, and became utterly ridiculous. But why did it become ridiculous? Why was it that the country was not subject to those sad disorders of civil war which took place in 1798, and the cruel consequences which followed it? It was because the Government of Ireland was alive and vigilant. It was because the Lord Lieutenant acted properly that these attempts at insurrection were defeated, and the danger averted. I have alluded to the consequences of the outbreak in 1798. Every one has heard and read with pain the scenes which were enacted, and the punishment which followed that insurrection. Sir, the punishment which followed the attempt of 1848 was totally of a different nature. The chief actors were put upon their trials for high treason—they were convicted of high treason—no blood flowed upon the scaffold—the executioner was not called in to complete what the civil authority had commenced. A great example of clemency was shown, which had its effect, and the rankling wound, which usually attends insurrection defeated, did not fester in Ireland. After a very short time men began to admit that the Government had acted wisely and leniently. However, next year it was again thought prudent to suspend the Habeas Corpus Act, and it was suspended from the beginning of the next Session till August, 1849. I wish these facts to be remarked, because there is a desire to ignore them; and counsel for Mr. Birch have endeavoured to show that all danger was over in 1848. Why, if that had been the case, this House would not have readily a second time assented to the suppression of the liberties of Ireland. Well, then, Sir, I think it is generally admitted — universally admitted — that Lord Clarendon, in a time of great danger, great difficulty, and great peril, has shown ability, vigilance, prudence, and judgment, and all the characteristics which ought to distinguish a Viceroy in a moment of difficulty and danger. His Sovereign readily admitted that merit, and thought him entitled to the distinctions given by the Crown, of which it was said—

> "Those emblems Cecil did invest,
> And gleamed on wise Godolphin's breast"—

were accorded to his Lordship in testimony of his high public services. And now, Sir, it is attempted—after these services have been performed, after these dangers are past—it is attempted to affix a stigma on that character, and mark with indelible disgrace the man who performed these services. Why, we would think it very strange if a ship was in great peril, and the captain, by the exertion of toil, and judgment, and discretion, had baffled the efforts of the winds and waves, and saved the vessel from the storm, if some one who had not assisted in that endeavour crept out from the hold and said, "I must inquire into the means by which the safety of the vessel has been secured. I must see how you have contrived to weather the gale, and if I find that any one of your sailors who was employed either in cutting away the mainmast, or baling out the water, is an unworthy person, I will condemn you, and pass unnoticed the meritorious act by which you have saved the vessel." But I am still further astonished at the quarter from whence this Motion proceeds. I could have imagined that some demagogue who had hoped in the overthrow of existing institutions in 1848 to have obtained place or plunder, who had desired to invest himself in the insignia of a Secretary of State of the Irish republic—I could have imagined him coming back to vent his spite and indignation against the man who had baffled and overthrown treason, and crushed rebellion in the bud. But what I do not and what I cannot understand is, that a member of a Conservative Opposition, after having shared in all the benefits of Lord Clarendon's wisdom and policy—and it was to that wisdom and that policy, and the energy which characterised both, he owes the enjoyment of his property in peace and safety—I say I cannot understand a member of a Conservative Opposition coming down here to arraign the man who has conferred these benefits, and asking the House to agree with him in condemning the man to whom, in common with the whole country, he ought to be most grateful. I am sure that such will not be the feeling of this House. The House of Commons has done nothing—it has had no opportunity of doing anything by which they can show their estimate of the eminent services performed. But I cannot think they will give their first expression of opinion on Lord Clarendon's Administration in the severe and unsparing condemnation contained in the terms of the notice. Never was the Executive stronger than in the hands of Lord Clarendon. Never was public authority more respected, even by his enemies. Never was there a Viceroy carrying on the duties of that office with more fairness to all parties, with more courtesy to all who came to consult him, and with a more earnest wish to remedy some of the many grievances under which Ireland labours. But I have now stated what was the nature of the transactions with regard to this newspaper, the *World*. I do not propose to follow the noble Lord into those statements of the merits of the various transactions to which he has alluded. I believe it was with the motive that I have stated that Lord Clarendon accepted the services of Mr. Birch when they were offered. I believe that he accepted them with the view that they might be of service in maintaining order when it was so grievously assailed—that he might be able to administer some antidote to the poison spreading throughout the land, a poison which might have the worst effects. Whether Lord Clarendon was right at any time, even when placed in circumstances of great alarm and danger, or when the danger was not so lowering, to spend public money on purposes connected with the press, I do not mean to combat with the noble Lord. If you enter into the consideration of that question, you ought to consult persons connected with the Government in Ireland. We know very well that in this country it is not the practice to do what Mr. Corry Connellan calls subsidising the press. No Government could receive any advantage from such a proceeding. But if you want to know what is the practice in Ireland—if you want to know the policy of that conduct—ask all the Chief Secretaries who have been there, and hear their opinions. Take the Earl of Derby; and if the Earl of Derby were to declare that in no circumstances whatever were you to give public money for purposes connected with the press, that he had always carefully abstained from it, I would have the greatest respect and attach very great weight to that opinion. I should likewise wish to hear the opinions of other Chief Secretaries, who could tell what has been the practice, and what were the grounds upon which it was justified. For my own part, I have never been either locally or immediately connected with the Government of Ireland, so I cannot express an opinion upon the point. I do not think it necessary to say more than that in my belief Lord Clarendon acted with no wish to benefit himself or to support his own Administration; he seems to have acted solely with a regard to the public good; and he also seems to have acted not differently from those formerly engaged in the Government of Ireland. With regard to the further question, immediate to this, whether Lord Clarendon should have given aid to an editor of a paper of so disreputable a character as the *World*, I have only to say that the noble Lord (Lord Naas) in his speech gives full credit to Lord Clarendon's assertion that he was not aware that such was the character of the paper. And what do I find? Why, that Mr. Birch being imprisoned for libel, many of the most respectable citizens of Dublin, amongst others Mr. Roe, had gone with a memorial to the Government, asking for his release. This was not the conduct of persons who believed that this man was of a disreputable character. With respect to the further question—whether the Government acted wrong in giving sums of money, and whether Lord Clarendon should have paid that 2,000*l.* upon demand, with-going before a jury—I am of opinion Lord Clarendon erred in not contesting the payment, and in agreeing to the compromise. I only heard of these transactions lately, and I have framed my judgment upon them; but I do not think that an error of that kind, an error of no very grave importance, not so much to be weighed even against the weight of a feather, can prevail against the eminent, the undoubted, and valuable services which Lord Clarendon has rendered to his country. Well, then, here is a great question before the House. You have the character of a public man intrusted to your hands. I am persuaded that you will be of opinion that it is neither consistent with the dignity of Parliament nor with the welfare of the country, that you should pronounce the condemnation that is prayed for. And for my part, as a Colleague of Lord Clarendon—as one who has esteemed him, and for many years has loved him—I am ready to place his character and his conduct in the hands of the Commons of England, and I am assured that he will obtain justice in their decision.

Lord John Russell

MR. DISRAELI: Sir, I wish, if no one else will address the House, to divest this important question of the veil of sophistry with which the noble Lord at the head of the Government has enveloped it. The argument of the noble Lord, in the first place, is—put down rebellion, and if you are successful, never mind the means: you may appeal to your country for a verdict in your favour. But is that reasoning which will be supported by the Members of a Liberal party? Is that the reasoning they will apply to other rebellions in Ireland, when they were quick to criticise the conduct of Government, which was successful, but which had recourse to means they could not approve? Only extend this proposition, and you will imperil all public morality. I will not say that the noble Lord's proposition is a specimen of political immorality, because it is unnecessary to use strong language here. It is a position, however, I am sure, that the House of Commons will never sanction. According to the noble Lord, there was a great crisis in Ireland in 1848. The existence of the empire was at stake; and so strong was the feeling of this House of Commons of the magnitude of the danger, that the suspension of the Habeas Corpus Act was proposed and agreed to in one day. It was in consequence of his prudence and energy, along with other means, that Lord Clarendon saved Ireland and the empire. And what were the other means? Mr. Birch. Lord Clarendon wielded all the powers of the law, and had at his command the whole military force of the country, but all were insufficient until he obtained the potent aid of the editor of the *World*. The Government of Ireland is brought under your consideration upon the following charge:—

> "That the transactions which have taken place between the Irish Government and the editor of a Dublin newspaper are of a nature to weaken the authority of the Executive, and to reflect discredit on the administration of public affairs."

And what says the Prime Minister under these circumstances? He says there was a rebellion—a rebellion which the Administration of that country succeeded in putting down, supported by the almost unanimous vote of the Parliament of England. What has this to do with the question before us? The noble Lord says that there was a great chance that every honest person would be plundered; and, to prevent every honest person being plundered, Lord Clarendon called into his counsels the editor of the *World* newspaper.

He was the scapegoat who was to prevent this huge robbery being inflicted, and for his services Lord Clarendon paid him 3,700*l.* out of his own purse. I want fairly to put before the House the real point at issue. The question you have to decide is the conduct of the Administration in Ireland. You have to say whether those facts placed before us—the accuracy of which is not denied, for remember, the truth of the statements of the Mover has not for one moment been challenged—you are to say whether these are circumstances, calculated, in the language of the Motion, to weaken the authority of the Executive, and to reflect discredit on the administration of public affairs. Are they calculated to strengthen the authority of the Executive, or to reflect credit on the administration of public affairs? Have we, or have we not, in this matter, the inkling of a system prejudicial to public morality? The noble Lord, while he admits all the facts, and the inevitable consequences to be deduced from them, forgetting his original position, that this was an anomalous state of affairs, produced only by a rebellion, appeals to the conduct of other secretaries—to what Lord Elliot did in 1842, and demands to know from the Earl of Derby whether he did not subsidise the Irish press? Well, then, here is a remarkable inconsistency in the argument of the noble Lord. If it be true that this was an unprecedented occurrence, a course adopted under circumstances of panic, I admit that there may be some colour for drawing an inference in favour of his Excellency. But if these are the ordinary transactions of the country, then there is a sound reason for affirming the Resolution of the noble Lord (Lord Naas). And it is because I believe them to be the ordinary transactions of the country, not only admitted but proved, that I seek the calm and dispassionate judgment of the House of Commons; and I ask them whether this is the conduct they will justify by their vote, and sanction by their approval; or whether they think it is a system which tends to weaken the authority of the Executive, and reflect discredit on the administration of public affairs? Now, after the fervid declamation of the noble Lord, I have brought back the discussion to the real point. If Lord Elliot, in 1842, acted in the manner intimated by the noble Lord, we have only been furnished with an additional reason for giving an opinion on those transactions of the Irish Government. It is possible that the Earl of Derby may have had transactions of this nature, as was insinuated; but on that subject I will say more by and by. It is possible, and if so, we have another reason why the House of Commons should express their opinion on the subject. Every point the noble Lord adduced, every argument he brought forward, every instance he referred to, destroyed the original position which he took in the heat of his declamation. Now I wish to press this point upon the attention of the House. If this were a Motion brought to cast a stigma on an individual character, I very much doubt whether my noble Friend (Lord Naas), who brought it forward in so temperate a manner—one, himself proud, and justly proud, of being an Irishman—would have been the person to have made this Motion; and certainly I would not have been the individual to support it. If it was an extraordinary transaction, which could only have occurred in the heat and fiery fervour of party strife, every generous man would have helped to cast a veil over it. [*Ministerial cheers.*] That very cheer is the best argument in favour of the Motion. They would have said, what has occurred never occurred before, will probably never occur again, and it is not necessary to enter upon it; but if every Chief Secretary for Ireland has lent himself to such transactions, then the case assumes quite a different character, and the conclusion in favour of the Motion of my noble Friend is irresistible. If it be true that every Secretary of the Lords Lieutenant has pursued that system, and if we believe that system to be a most pernicious one, it is not an affair of feeling—it is not an affair of taste for the House of Commons—it is an affair of public duty, that we should examine these remarkable circumstances, and express an opinion upon them. Now, Sir, I have nothing to say on the conduct of Lord Elliot. He has friends in this House who will be ready, if necessary, to defend him; but the noble Lord (Lord J. Russell) has referred to all other Secretaries, and in a very marked, though in a very allusive manner, he has referred to the Earl of Derby, formerly Chief Secretary for Ireland, as Lord Stanley. I remember recently reading a book, which I dare say most hon. Members have seen, and which throws some light on the secret history of modern Irish affairs. I believe it is a fact that, during the Administration of the Marquess of Anglesey, who is a member, by the way, of the present Government, when party spirit raged very high in Ireland, when the press in that country—which is particularly affected by the press—was divided between the two great sections of public opinion in that country, which we call or did call the Orange and Catholic parties—I believe it is a fact that the Government of the Marquess of Anglesey, wishing that what they conceived to be the temperate tones of a wiser policy should, at least, be heard by their countrymen, did attempt, and not unsuccessfully, to establish a newspaper. Is there any one who finds fault with the Administration of the Marquess of Anglesey in that respect? Is there any one in this free country, that owes so much of its liberty and happiness to a free press—is there any Gentleman on either side of the House who will contend that such a course is either disgraceful or irregular? I conceive there is no one who will not maintain, on the contrary, that it is a bold, a proper, and a legitimate one. I say that for a Government, in a legitimate manner, to endeavour to establish an organ to express their opinions—especially in a country where public opinion is ranged in two hostile parties, and they find the expression of the opinions and sentiments of those parties conveyed in language of great excitement and exaggeration—is not a matter for censure. I know nothing more legitimate, more proper, more praiseworthy of any Government, than thus to attempt to soften public feeling, and obtain additional influence to the support of their administration. I believe that was the case in the administration of the Marquess of Anglesey, and I believe the instance in which it was attempted produced beneficial results. A newspaper, conducted by respectable men, written by respectable men, one of them not an undistinguished member of the Irish Bar, effected a not inconsiderable and a salutary influence on public opinion. But if I chose to view the question merely in a party point of view—if I availed myself of the allusive reminiscences of the First Minister of the Crown—if I had chosen to denounce that attempt, instead of meeting it as I do with sincere approbation, I might have referred to the *Memoirs of Lord Cloncurry*, and there found a passage which would certainly not have suited the argument—if I may call the brilliant declamation of the First Minister an argument—which would certainly not have assisted the argument of the noble Lord. The Administration of the Marquess of Anglesey, placed under circumstances of great difficulty, in great straits, anxious that a moderate but I believe truly national policy should be pursued, established a newspaper—written, I say, by honest men, by able men, by men who enjoyed the respect of the society of which they were ornaments, but who were the advisers, the prime advisers of the Lord Lieutenant at that time. I am afraid, though it may mortify my Lord Derby—I am afraid I must admit that he did not exercise so much influence over the mind and policy of the Lord Lieutenant as his name, talents, and position perhaps entitled him to. There was a *camarilla*, we are told by one of its members, in the Castle of Dublin. There were three or four individuals who entirely managed the Lord Lieutenant, and I am sorry to say the Chief Secretary was not one of them. But this I do recollect, though I may not recall the names correctly—of those four, the most eminent and the most influential was George Villiers, that distinguished man whose conduct as Earl of Clarendon we are this evening discussing. Thus it does not appear, though he went to Ireland with a new name and in a new capacity, that he was entirely ignorant of the press of that country. It is not a fact that the Earl of Clarendon, even adorned with that surpassing decoration to which the First Minister has alluded, was entirely ignorant of the nature and character of the Irish press. I can conceive even a Knight of the Garter in these commonplace days condescending to some acquaintance with the press. Distinguished as is the position, acknowledged as are the abilities of the Earl of Clarendon, decked as he is with worthily-won honours, I cannot believe that the Viceroy of Ireland was altogether ignorant of the means, and the men, who produce leading articles, and the manner in which they are produced. I may, therefore, express my extreme astonishment at the mode in which this eminent personage, at a moment when—to use the language of the noble Lord at the head of the Government—of which I made a minute that I might not be guilty of exaggeration—"the cause of the Crown and the cause of the British empire was at stake"—the mode in which the Viceroy of Ireland sought, as the noble Lord had said, an antidote. The noble Lord read to us one after another the leading articles of all those seditious prints which had led to so many public trials, to such painful public punishments, to the exile of many persons. The noble Lord said the Mr. George Villiers of former days, the Earl of Clarendon of the present, equally experienced in the Cabinet and the city of Dublin, wished (to use the language of the noble Lord) "to encourage a writer who would counteract all those seditious efforts which imperilled the cause of the Crown and the existence of the British empire." And so with all his former experience, and with his former acquaintance, according to Lord Cloncurry, with Irish journalism, the noble Lord falls into the trap of Mr. Birch. I am the last man to depreciate the influence of the press, which I respect and admire, to which I think we are indebted for some of the greatest of our blessings, and which I believe is one of the best securities for our liberty. But I do not take an exaggerated view of the power even of the press. I am not at all clear that, in a moment of revolution, at an epoch of rebellion, even the very best article that ever was written could save a country. I am not certain that the noble Lord the First Minister, at a moment of considerable danger and of considerable difficulty, though feeling that the leading articles of the *Times*, written with the usual ability of that journal, might be calculated to keep up the high tone of public patriotism in the case of invasion, for example, that they might recall and revive the energies of the people—I am not certain that he would appeal to the patriotic energies of that journal; but, at any rate, of this I am certain, that if the noble Lord went anywhere he would go to the *Times*, and not to the *Satirist*. And now here we have put fairly before us, in a manner most temperately expressed, these facts: that the Lord Lieutenant of Ireland, doing—as the First Minister tells us—as all Lords Lieutenant have always done, has placed himself in communication with a newspaper—I will not inquire whether its sale was great or small, whether its reputation was high or base—but he places himself in communication with a newspaper, engages the influence of that paper in support of his Administration, and he pays that newspaper out of the public funds. And then we are told these are not subjects for any House of Commons to inquire into, and then the First Minister rises and appeals to the great deeds of the person implicated, and says you shall not inquire into circumstances which are of public interest, of public importance, which concern public morality. Why? Because that individual succeeded in his policy! It is the old story of Scipio revived, which, if the First Minister had been contented with it, would have been at least intelligible. But, coupled to this position is the significant announcement—"this is part of a system which has always prevailed." Is it the opinion of the House of Commons that it should always prevail? Is it the opinion of the House of Commons that it is beneficial to this country that the Government, from whatever side it may be recruited, should subsidise the press through the public funds? That is what we have to decide—in which the country is interested, and is watching in the debate of this evening—whether a Vote of the House of Commons shall put an end to proceedings which I believe, in the words of the Motion, "are of a nature to weaken the authority of the Executive, and reflect discredit on the administration of public affairs."

Mr. T. B. HOBHOUSE, who rose amidst partial cries for a division, said, he had heard nothing in the arguments adduced on the opposite side of the House, or in the statements made, that had at all tended to show him that this Motion was justified, or that it was not of a nature to cast a stain on the character of the Lord Lieutenant, and to embarrass the conduct of public affairs in Ireland. The hon. Member for Buckinghamshire (who had not displayed his usual ability in the speech he had just made) had endeavoured to show that there was a distinction between the course taken during the period when Lord Stanley was Chief Secretary for Ireland, and that taken by the present Lord Lieutenant; but he (Mr. Hobhouse) did not perceive any distinction between the two proceedings. In the former instance the Government retained particular writers to advocate its cause, and this was all which had been done by the present Viceroy. If there were any difference between the two cases, he thought the difference was in favour of Lord Clarendon, for at the time the latter had engaged the services of the newspaper, law and good order were very much at stake. He was informed that the *Dublin Times*, the paper alluded to as having been engaged while Lord Stanley was the Chief Secretary, received communications from the Government, and was supported by the secret service money of the State, and not, as in the present case, from the pocket of a nobleman who disinterestedly came forward in the support of order. It had been stated also in the debate, that Lord Elliot had patronised the paper called the *World*, which was now so severely condemned, though formerly held up to admiration. It seemed, therefore, that the opinions of Gentlemen opposite had changed a little since the days of Lord Elliot. At that time, because the *World* happened to be supporting their own opinions, it was a very respectable newspaper; but now the hon. Member for Buckinghamshire trampled upon a fallen man, and, if we were to believe him, the *World* was the *Satirist* of the press. With regard to the *Dublin Times*, he (Mr. Hobhouse) was informed that two of its writers were placed by the then Government in high official appointments, for having espoused and promoted the doctrines of their party; and even the judicial station was, he believed, conferred upon one of them. He asked whether this was true or not? If it was not true, let it be denied; but if it was true, do not let hon. Gentlemen come forward with trivial and trumpery charges against Lord Clarendon for doing what they had themselves set the example of. But then it was said that the charge brought against Lord Clarendon was not for having connected himself with the press, but for having connected himself with an unprincipled and profligate journal. Now he (Mr. Hobhouse) was not going to say a word against the press; whether he agreed with the hon. Member for Buckinghamshire in admiring it, or whether he did not, was beside the present question, and his opinion on the subject would probably have little weight; but he conceived what had happened in this particular instance was the consequence of the system of anonymous writing—of that system by which public writers refused to affix their names to their contributions, and by which unprincipled and vicious men came sometimes to write in furtherance of doctrines which would otherwise be placed under the care of men of better character. Even assuming, what might not be admitted, that Lord Clarendon was acquainted with the character of Mr. Birch, the maintenance of law and order could not suffer by that character, while the name of the writer was withheld from the public eye. Whatever disadvantages there might be in this system of anonymous writing, it possessed at least one advantage, namely, that the acceptance of sound and good doctrine was not prejudiced, because it happened to be set forth by an unworthy person. No doubt there were certain truths which would be admitted equally, whatever the reputation of the teacher. No one, for instance, would deny that the three angles of a triangle were equal to two right angles, because he did not like the person who enunciated the doctrine; and the same might be said of the general principles of morality. But there were truths less open to demonstration, and disputed doctrines, especially in the region of politics, the examination and reception of which were, reasonably or not, dependent in no small degree on the reputation, moral and intellectual, of the writer. The anonymous system diminished, in this respect, the inducement to sift the character of writers for the press, and too little concern was shown for the worth of the man who guided a secret pen. Seeing these things, he (Mr. Hobhouse) did not know why, in defence of such a cause, Lord Clarendon was to be condemned for availing himself of the services of Mr. Birch. Hon. Gentlemen had been denouncing this unfortunate writer, and holding him up to the contempt of this House, but he should take the liberty, in addition to the letter of Lord Elliot, of quoting the opinion of the *Standard* as to the character of this paper in former years. The *Standard* did justice and homage to an opponent, and its opinion was the more worthy of their attention, because it confessed, in bestowing a eulogy on the *World*, that it differed from the paper which it praised. [The hon. Gentleman here read an extract from the *Standard*, in which it was stated that the *World* newspaper was conducted with great ability and independence of spirit; and that it had been eminently useful to the peace of the country; and this was followed by a passage vindicating the character of Lord Elliot.] The great Protestant party, it thus appeared, then thought well of the *World*; and if so, why should Lord Clarendon not have availed himself of the services of that very paper? The hon. Member for Buckinghamshire stated that this was a question of duty; and he seemed to insinuate, though he did not openly assert, that the House had no alternative but to say "Aye" or "No" to the Motion before them. He (Mr. Hobhouse) begged distinctly to deny that principle, so far as he understood the course of procedure in constitutional assemblies. They were to take into account the whole conduct, the whole character and policy, of a person standing in Lord Clarendon's position. They were to survey the entire case, from first to last, and were not bound to give a distinct affirmative or negative to the question. They were not there as a jury, to say "Aye" or "No" to a particular issue; they might object to the issue, and he, for one, did object to the one brought before them on that occasion. What would be thought of a critic who picked out for censure a particular blemish in a work, passing over all its excellences? Lord Clarendon had held the scales between parties in Ireland with moderation and justice, and had discharged his duty with ability, skill, and judgment. The noble Lord had come in contact with the old ultra-Protestant leaven of bigotry; and he showed, in his treatment of the Orangemen, that he was not disposed to see the Irish Government treated with disrespect, or in a manner unworthy of its dignity. He would not say whether that was the cause of the present Motion or not; but he believed that if the noble Lord (Lord Clarendon) had played a little more into the hands of that party, the House would have heard less of the present vote of censure. He thought Lord Clarendon had deserved well of his country, and was entitled to the approbation of that House and the country; and had not the noble Lord at the head of the Government met the Motion with a direct negative, he (Mr. Hobhouse) would have been disposed to bring forward an Amendment, which would have challenged inquiry into the whole character, principles, and conduct of the noble Lord's Government in Ireland. Under the most trying provocations he had succeeded in repressing rebellion, and throughout he had done all that lay in his power to promote the welfare of Ireland. It might be all very well for the noble Lord who introduced the Motion to cast ridicule now on the danger that was then treated as so very serious; but the House was not likely to forget what the circumstances really were. At that time the ultra-Protestants and the Conservatives came forward with addresses of congratulation to Lord Clarendon; and he thought it was a little inconsistent on their part to adopt now the language of censure. For these reasons he should deem it his duty to vote against the Motion of the noble Lord.

Mr. SHARMAN CRAWFORD considered the question before the House to be, whether the Government was justified in subsidising or bribing the press. He had great respect for Lord Clarendon, and on many points he agreed with him. He had been most useful in advancing the linen trade in Ireland, and, on a late occasion, he (Mr. S. Crawford) had been a party to presenting him with a testimonial for his exertions in that matter. As one sent there to protect the rights of the people, he regarded a free press as the great palladium and security of liberty; and he believed that if they permitted Government to tamper with the press, they would destroy the confidence of the public in that great engine. Tampering with the press was defended on the ground that it had been the custom of all previous Governments in Ireland to do so. That was the very reason why he now took his stand on this question. He believed this had been the custom of all Governments, and he feared that on a very important question the press was at present subsidised. He deprecated all such practices, and hoped they would receive the most positive censure of that House. Suppose the noble Lord at the head of the Government was to be charged with subsidising the press of this country, would the people of England for a moment bear such a thing? Certainly not. Then, why should it be tolerated in Ireland? He was sent there to defend and advocate the rights of an English constituency; he was proud of it; but he would never so far forget his connexion with Ireland as to be prevented from taking the course which he deemed just and right. He much regretted the course he felt bound to take on the present occasion; but no consideration would prevent him from giving his vote for the Motion.

Mr. MOORE said, he had never since he had had a seat in that House felt more anxiety as to the decision the House was about to come to than on the present occasion. He believed there was not a man in Ireland capable of comprehending the bearings of a political question, who did not anxiously await their verdict with a consciousness that it would deeply affect, one way or other, questions that had been long mooted, feelings that had been long stifled, in the mind of every intelligent man in that country. The question which they had to decide by the Vote of that night was, whether any amount of misconduct was ever considered objectionable in England when committed in Ireland by authority and power. The noble Lord at the head of the Government had insinuated that this was in reality a party Motion—a dexterous insinuation; for in reality that was the only allegation that could be urged against it. Were the question left for the decision of any body of English Gentlemen, uninfluenced by party motives, it would be a libel on their honour, truth, and character to doubt as to the opinion they would form. Were it left to any jury in England, except a jury of partisans, it would be a stigma on trial by jury itself to doubt their honest and indignant verdict. He did not believe there was a Whig gentleman in England — a member of Brookes's — a member of any Whig family—setting aside his feeling as a Member of that House, who must not have been shocked by a perusal of the trial out of which this Motion had arisen; and should it be said that that House was the only place in England in which an elevated moral sense and a respect for the decencies and decorum of society, were overlooked and overlaid by party and political passions? The honourable character of that House in the minds of the people of England, to say nothing of the people of Ireland, was deeply and perilously involved in the decision they should pronounce on that question. The people of England were not, perhaps, particularly astute in their appreciation of hidden motives—not inclined perhaps to look behind the veil of official hypocrisy; but they were never indifferent to flagrant violations of public decency and morals, and they were always shocked when these were violated by men in high places. And it would tend little to the elevation of the people of England, if acts of political profligacy, which no English gentleman would venture to defend in any private circle, or at any public meeting, were in that House set aside or slurred over by those who ought to be foremost in the defence of political morality, both in public and private. What were the facts—the plain, palpable, proved, admitted facts of this question? Why, that the Earl of Clarendon, representing the majesty of the Throne in Ireland, had not scrupled, for a series of years, to corrupt, and pay with the public money, as a secret organ of his own Government, a man and a journal infamous alike to the utmost extent of their local notoriety, and abominable almost beyond the limits of belief. He would not compare the *Satirist* with the loathsome publication of which he spoke. Had the case occurred in England, what would have been thought if the noble Lord at the head of the Government had been detected in secret and corrupt connivance with the editor of the *Satirist*, paying that journal out of the public money, to blacken, defame, and malign his political opponents? A file of the *World*, previous to and during its connexion with Lord Clarendon's Government, would have been an edifying and instructive document. But he need not go further than the testimony of Mr. Brewster, Lord Clarendon's counsel—for he was Lord Clarendon's counsel on the trial—who asserted that this Birch was the greatest pest and nuisance to society that had ever infested the city of Dublin. He believed he had done all in his power to poison the public mind, obstruct the channels of justice, and pollute its sources. He (Mr. Moore) had quotations without end from the *World* to prove the infamy and abomination of that journal. During and previous to its association with Lord Clarendon's Government, it was widely and infamously notorious throughout the city of Dublin. It had been expelled from every clubhouse and newsroom as an infamous and abominable print. It stood not only conspicuous, but alone, in being socially vicious and immoral. Its trade, occupation, and calling was the levying of contributions from private families, by threats of defamatory exposure, real or imaginary. It lived by defamation and slander. And this was the organ of "law and order," secretly and corruptly paid out of the public money to perform, in aid of Lord Clarendon's Government, the only task it was capable of performing—to asperse, to belie, and to defame. It had been said by the noble Lord (Lord J. Russell) that Lord Clarendon was placed in very difficult circumstances—that Ireland was involved in an insurrection—that the institutions of that country were threatened with a deep-laid and wide-spread conspiracy—that the press of Ireland was in great part leagued with the insurgents—and that the Lord Lieutenant was obliged, in self-defence, and in defence of "law and order," to employ any instrument on which he could lay his hands. Now, that every one of those assertions was substantially and unequivocally false, he believed to be capable of the severest proof. Such allegations might have gone down, or have appeared plausible, a few years ago, when the Mitchell and Meagher conspiracy was in fashion, and when the fires of revolution that blazed all over the Continent magnified into undue importance the most insignificant events in this country. But there was not a well-informed man in England — certainly not a sane man in Ireland — who now believed in the Clarendon insurrection. Its mention was sufficient to excite contempt for the moral cowardice then betrayed. The Irish people were more prostrate and incapable of any great effort in any direction than they had been for centuries before. The Catholic clergymen were well known to be as hotly and bitterly opposed to the Young Ireland party as they were to the red republicans of Italy at the present day. What was the power to act upon this inert mass? And what was the power that was to overcome these mighty antagonists? A little knot of insignificant individuals, representing their own opinions, and not possessing individually or collectively a particle of influence over the people of Ireland. It was a very instructive fact, that the leaders of this party, including every man that by any possibility could have been suspected, or conceived to have influence over the public mind, had been in the height of this insurrection mobbed and beaten in one of the largest towns of Ireland, and were obliged to place themselves under the protection of the police against the very mobocracy of which they were said to be the champions. About the middle of February, 1848, Mr. John Mitchell, who was favoured with that very instructive demonstration of popular feeling in Limerick, had set up a newspaper in Dublin, in a back street, and under most unpromising auspices. He plainly told the Lord Lieutenant that it was his intention to storm the Castle of Dublin, and to take possession of the Government of the country. He used no disguise or circumlocution; he declared that what he advocated was treason, and that he meant it to be so. He said to the Lord Lieutenant, "Either you or I must be put down." The alternative presented no difficulty. Every one knew that a couple of policemen and Her Majesty's warrant was enough to put down Mr. John Mitchell and the *United Irishman.* But these inflammatory and seditious publications were allowed to circulate for week after week and month after month, inflaming the minds of the ignorant people to whom they were addressed. The consequence was, that in a short time men began to believe in John Mitchell; and Lord Clarendon seemed to have been one. The preparations which he made for the defence—not for the preservation—of the city of Dublin, and the state of military alarm in which he kept it for two months, led to the belief, either that his Excellency was still pregnant with some tremendous secret which had not yet seen the light, or that he was as completely the dupe of the lunacy of Mitchell, as he had been of the villany of Birch. The insurrection progressed day by day. Lord Clarendon made no preparation to prevent it. He contented himself with plotting and countermining—hounding on such men as Mr. Birch—intriguing with one part of the population against the other—while he allowed incendiary publications, from one end of the country to the other, to inflame unchecked the miserable population against whom he was making these formidable and fearful preparations. Had it been possible to have caused bloodshed in Ireland at that time, such a course of policy would have caused it. But there was a deep and powerful influence at work, sufficient to save the people alike from the machinations of jacobinism, and from the cowardly treachery of official intrigue. The whole history of that plot, *denouement,* and catastrophe, might have been as well read in its prologue at Limerick, as in its epilogue at Ballingary. Instead of adopting the proper measures, it was said that Lord Clarendon had thought it wise to pay a mere literary staff to assault, malign, defame, and calumniate in the cause of "law and order." This was simply pleading insanity on behalf of Lord Clarendon. He was surrounded by men who were as well acquainted with the character of Mr. Birch's *World* as they were with the world in which they moved. To say that all that time he had never once inquired, or was never once informed of the character which Mr. Birch or his paper bore, was an assertion which no intelligent attorney would venture to plead on behalf of a thief at the Old Bailey. This was not the first time that a plea of almost insane ignorance had been put forward on behalf of Lord Clarendon. The story of Captain Kennedy and the Orangemen who demanded 500*l.* from the Government for a supply of arms, was fresh in every one's recollection. On that communication the money and the arms were furnished by Captain Kennedy; an order was given for the passing of the arms into Dublin; and the Orangemen were armed as they wished. In the next Session, 590*l.* was voted to Captain Kennedy, for checking the insurrection. Lord Clarendon alleged that he never knew of the Orangemen being armed; that the 590*l.* voted to Captain Kennedy was for a book he had written; and that it had no connexion whatever with the money paid for the arms. He (Mr. Moore) had that confidence in the word of an English gentleman, that he was prepared to believe an impossibility on that word, once—but not twice, on the word of the same gentleman. It had been said in lobbies, clubs, and other places where Members most did congregate, that this Motion was meant to get rid, by a side-wind, of the Reform Bill of 1852. He would rather say that the Reform Bill of 1852 was meant to get rid, by a side-wind, of such Motions as this. After the Government had been buoyed up, for a series of years, by national calamities and national perils—after every conceivable species of political claptrap had been exhausted—Louis Napoleon having disappointed them of an invasion—protection being no longer regarded as a bugbear, the noble Lord now came with his little measure of reform, and said, "If you don't keep me in office, you will lose the Bill." If the reformers of England were in earnest, could they suppose it possible to prevent the adoption of a much larger measure of reform than the noble Lord had proposed. If this Motion were carried, it would necessitate a more liberal measure. He did not believe the reformers of England would consent to affix their fiat of approbation on the most flagitious act of a Government that had ever ruled in the name of law and order. He would not appeal to one side of the House or the other; he appealed to the justice of every Englishman, the truth of every honest man, the manliness of every man, he appealed in the name of society itself, against the pollution and outrage which was sought to be justified under the pretext of "law and order." But it was not to the one party or the other that he appealed, but to the truth and manliness of every Gentleman present, against the outrage endured at the hands of Lord Clarendon.

Mr. ROCHE said, the noble Lord at the head of the Government had alluded, with great eloquence and success, to the general policy of Lord Clarendon. With that policy he was not prepared at present to find fault. He admitted that there was an incipient rebellion in Ireland in 1848, that it was put down, and that those engaged in it were punished with considerable moderation. But he admitted that Lord Clarendon was the man who put the rebellion down. The truth was that Lord Clarendon was aided by the Roman Catholic clergy of Ireland, and to them must the suppression of the rebellion be in a great measure attributed. But the policy of Lord Clarendon had, in his mind, but little to do with the subject now before the House. The question was, whether Lord Clarendon's conduct, in connexion with the infamous paper which had been referred to, was prudent or just; and the noble Lord at the head of the Government, while making a most eloquent defence of Lord Clarendon's policy, admitted to all intents and purposes that the accusation against him of imprudence was well founded. The next question then was, whether Lord Clarendon had not been sufficiently punished? Now, when he considered that the accusation had been brought forward in a place where Lord Clarendon could not defend himself—a line of attack dictated by the most prudential valour, for he believed the prime mover of it was a noble Lord who might have made the accusation, if he had so chosen, face to face with Lord Clarendon—he thought Lord Clarendon had been sufficiently punished, because, while he had been attacked behind his back, he had not been very successfully defended by his own friends in that House. Then, as an Irish Member, he (Mr. Roche) had to decide whether the present Motion had no other bearing than as a mere act of vengeance against Lord Clarendon. He believed it had a much wider and deeper meaning than appeared on the surface. The press in Ireland and England representing the party to which the noble Lord (Lord Nàas) was attached, had announced that the existence of the Government depended on the issue of this Motion. He, then, as an Irish Member, was not prepared to promote a Motion, the success of which would cause the present Ministers to vacate their places, to be occupied afterwards by the noble Lord (Lord Naas) and his party. He was aware that a large number of the Members of that House had condescended to attend a meeting at the Earl of Derby's, and had decided (not very constitutionally, in his mind), without waiting for the discussion of the Reform Bill, to obstruct that measure altogether. Now, he was not prepared, as an Irish Member, to take the responsibility of placing that party in power, for he believed that it was most essential for the best interests of the Kingdom, that a wide and radical reform should be applied, not only to England and Scotland, but also, and above all, to Ireland. He also remembered that at the opening of the Session, the Earl of Derby made it one of the gravest accusations against the Government that they did not carry vigorously into effect in Ireland the Ecclesiastical Titles Assumption Bill. He (Mr. Roche) believed that the present Ministry acted most imprudently and unjustly in extending that Bill to Ireland; but he thought that the best thing they could do afterwards was never to enfore it there; and as he believed, if the party opposite should come into power, common informers would be immediately let loose in Ireland, and the country thrown into confusion and agitation, he would not take the responsibility of assisting, by voting for the present Motion, to place them in power. He also was not prepared to adopt another portion of the policy of the party opposite, who, because agrarian disturbances and murders had taken place in one part of Ireland, wished to suspend trial by jury and to introduce a Coercion Act. He believed that some of his hon. Friends on the other side, representing Ireland, were committing a great mistake in supporting the present Motion. So far from rallying in defence of their country, they were only joining in an Orange foray to wreak vengeance on one who had the courage, boldness, and honesty, in defence of the rights and liberties of the Catholics, to humiliate the leaders of Protestant ascendancy. The hon. Member for Rochdale (Mr. S. Crawford) could not narrow the question into merely whether the press ought to be tampered with or not. He (Mr. Roche) would not defend the conduct of the Earl of Clarendon in that particular; but he was bound to consider the question, not in its narrow, but in its wide and national sense, and he could not go into the division lobby without considering that the result of a majority in favour of the Motion would be to place in power a party who, though they might avail themselves of Roman Catholic support to help them to office, would be the first to spurn that support when firmly seated in the Government.

COLONEL SIBTHORP said, that he must express the admiration which he felt for the noble Lord (Lord Naas) who had had the moral courage to bring forward so important a Motion. He (Colonel Sibthorp) did not blame the Earl of Clarendon any more than any other Member of the Government, who were all more or less guilty of the mal-appropriation of the Secret Service Money. It was abominable that the public money should be applied to cover the machinations of an incapable Government. No man respected the press more than he did; it was a mighty engine, essential to society, and although it sometimes lashed him when he no doubt deserved it, he at least respected a noble, fair, and candid enemy. The noble Earl, however, had tampered with a degraded press, and made a friend who turned out to be a wolf in sheep's clothing; but was it not most disgraceful, was it not a very shame, that a Government should take such a step? He gave the Earl of Clarendon credit for the possession of much ability, and it was said that his Lordship did a great deal of good; but it was possible for a man who did a great deal of good to do also a great deal of harm, and that he thought was the case of the Earl of Clarendon. This was not the first imprudent proceeding of the noble Earl, because he (Colonel Sibthorp) had learned from the public press, which was the only source of information open to him—he had learned from that source of information, that a toast had been proposed in the noble Earl's presence to the health of the Roman Catholic Archbishop of Dublin, about the same time that the noble Lord at the head of the Government had chosen to pen his celebrated letter to the Bishop of Durham. While he said this he meant no disrespect to the Church to which that Archbishop belonged, for he knew that the soldiers who were members of that faith were in no ways inferior to those who were members of his own Church. He would not trespass farther on the time of the House. He spoke his mind openly—he must speak it; and he had but one word more to say. He thought the present Motion was a step in the right direction, for he thought they would at last come to know what became of the Secret Service Money, where it went to, both in Ireland and in England. He must say he hated the very words Secret Service Money; for no money that came out of the pockets of a free people ought to be expended secretly.

MR. POWER said, in listening to the speech of the noble Lord who introduced this Motion, and the speeches of hon. Gentlemen on his side of the House, with a view to discover, if possible, how far the transaction to which the Resolution referred had weakened the authority of the Executive, and discredited the administration of public affairs in that country, he was bound to say that that statement and those speeches had failed to convince him that the authority of the Executive in Ireland had, in the slightest degree, been affected by those proceedings. If the part which the Earl of Clarendon took in these affairs were of the nature which the noble Lord (Lord Naas) had represented it to be—a part with which public opinion in Great Britain and Ireland was shocked and outraged—how did it happen that that feeling was not expressed either in petitions to that House, or in addresses to the Crown, praying that the Earl of Clarendon might be removed from that position on which, if they were to believe the assertions of the noble Lord who introduced the Motion, he had brought discredit and disgrace? The absence of those petitions and addresses satisfied him that the public had taken a much more disinterested view of Lord Clarendon's character than the noble Lord opposite. He would not say that the act of Lord Clarendon in this matter would bear the test of a severe morality; but they were to consider the critical position in which he was placed—the dangerous circumstances with which he was surrounded; and he (Mr. Power) thought they would find much to palliate, if not to justify, those acts. What were the circumstances in which he was placed? He was surrounded by a wide-spread and general discontent, which was ready at any moment, and on the slightest pretext, to break out into open rebellion—unable to rely upon any party, because the Orange party were dissatisfied that Lord Clarendon would not let them loose upon the Roman Catholics—the well-affected Roman Catholics overawed by the seditious clubs which were found at their doors, in every city, town, village, and hamlet in Ireland—the public press, with scarcely an exception, opposed to him and to the Government, while some of those organs published articles of the most inflammatory and revolutionary character, inciting the people to open rebellion. Considering all these critical and painful circumstances, was it fair, was it generous, was it just, to seek to stab his character, now that the danger was past, because in the interest of peace and order he had employed, and that out of his own money, a public journal to counteract the poison of Socialism with which the public press of Ireland was at that time so strongly tainted? This was the head and front of Lord Clarendon's offending. He was of opinion that if the noble Lord (Lord Naas) really meant to support the authority of the Executive, and to sustain the credit of public affairs, instead of introducing this Motion to wound the character of a distinguished nobleman, he would have moved for a Secret Committee to inquire into the practices of former Administrations, with reference to the employment of agents and spies in the time of public danger. He rather thought he would have discovered that former Administrations had not been over-scrupulous in the employment of agents for the purpose of seeking information and of counteracting the machinations of those who were opposed to public order and tranquillity. If the noble Lord's morality were shocked by such an inquiry—if he and his colleagues thought that public virtue in the administration of public affairs would be best promoted by putting a stop to such practices—he might effect great good by stopping that annual vote which was appropriated to the purposes of the Secret Service Money. He (Mr. Power) could not bring himself to vote for this Resolution; even though he might admit that Lord Clarendon had in this instance committed an error; still he could not forget that Lord Clarendon was the best Viceroy that had ever been sent to govern his (Mr. Power's) unfortunate country—he could not forget what he had done to promote the peace and prosperity of Ireland—what interests he had advanced—what public works of utility he had supported. If he looked to agriculture, he found that he had been foremost to promote it by the employment of instructors—if he looked to public works, he found that he had ever been ready to encourage the promoters of them by attending their meetings, and by the employment of all his influence in their behalf—if he looked to education, he found that he had ever fostered it by his tender care, and by his discouragement of a sectarian tendency, which tended to obstruct its progress and mar its usefulness. There was, especially, one point in the administration of the Earl of Clarendon which had been eminently successful—he meant the manner in which he had put down the monster of Orangeism. He could not forget the rebuke which the Earl of Clarendon administered to a noble Lord (the Earl of Roden), who was, he believed, a relative of the noble Lord opposite (Lord

Naas)—not that he meant to impute to the noble Lord that that had influenced him in bringing forward the present Motion; the rebuke which he administered to the Earl of Roden, on an occasion when he prevented the renewal of those scenes which led to the disastrous affair at Dolly's Brae. These were the acts which had endeared Lord Clarendon to the majority of the people of Ireland, and which would lead them to regard his removal from his post as a great national calamity. It was possible that the noble Lord who made this Motion, and the hon. Member for Buckinghamshire (Mr. Disraeli) who supported it, might one of these days be placed in office by the aid of such Motions and speeches. In such a case he warned the noble Lord and the hon. Member not to trust too far or too much to those who might now be called their Irish allies. Those allies might perhaps place them on the Ministerial benches; but the moment they were there those same allies would proceed to hurl them from power unless they would consent to repeal the Ecclesiastical Titles Act of last Session, for which he believed the hon. Member for Buckinghamshire voted; to remove from the Statute Book every Act which was opposed to the Roman Catholic religion; and unless, farther, they consented to legalise the custom of Tenant Right in Ireland. Those were the conditions on which it was proclaimed, by the party who styled themselves the Irish Brigade, that the people of Ireland would assist any Administration; and he believed those were conditions which the hon. Member for Buckinghamsire would be slow to adopt. If he did adopt them, no man would more willingly give him his aid than he (Mr. Power) would; but unless he did adopt them, the very party which was ancillary to placing him in power, would be the first to remove him from that position, and give him leisure to write that which he was so well capable of writing—his adventures in the Irish Brigade. For his part, he could be no party to a factious vote which would place upon the Ministerial benches Gentlemen who had always been hostile to the liberties of Ireland. He could not make himself a party to inflicting a stigma on the character of a nobleman who had identified himself so thoroughly with all the interests of Ireland, and whose loss, he was sure, would be felt in that country as a national calamity.

Mr. NEWDEGATE could neither admire nor concur in the political morality of the two hon. Members for Cork. Both had stated that whatever truth there might be in this Motion, whatever might be the facts of the case, still they would not vote for the Motion, because it might place the party with which he (Mr. Newdegate) was connected in power. The hon. Member who last spoke said, that he trusted that party would never be in power till they had abandoned their principles. He could tell the hon. Member that that party would never be in power except in accordance with the principles of which the people of England recognised them as the representatives. He trusted they were as incapable of voting against the plain facts and truth of a question, as they were of abandoning principles which they believed to be just. He had never been more struck with the eminence of the noble Lord at the head of the Government in one respect than he was to-night. He did not deny that noble Lord's title to the name of statesman. As a Member of that House he was eminent, but as a partisan the noble Lord stood unequalled—he never had his match. The worse the case might be of a friend whose cause he undertook to plead, the greater the eloquence and energy of his advocacy. Did the noble Lord approve of the Earl of Clarendon's conduct in employing Mr. Birch, a convicted libeller, a man who was again under prosecution—a libeller who spared not even the prisoner awaiting his trial, from a sense of what is due to justice—a writer who spared neither the honour of his fellow man, nor the purity of woman. Such was the agent. Did the noble Lord approve of the Earl of Clarendon's employment of him? He did not. He put the letter which Mr. Birch wrote to himself into the fire. Did the Government approve of the employment of public money in that way? They did not. The right hon. Gentleman the Chancellor of the Exchequer, to his honour be it recorded, dishonoured the draft which was drawn upon the funds under his control, by Lord Clarendon, for the payment of Mr. Birch. The noble Lord at the head of the Government, in the spirit of a thorough partisan, had the hardihood to put in competition the moral influence of the *World* newspaper with the moral influence of Parliament, which repealed the Habeas Corpus Act at an hour's notice, to meet the emergency which had occurred in Ireland in 1848, to say nothing of the moral influence which the conduct of the people of England in 1848 must have exercised; and yet the noble Lord pleaded that his noble Colleague, backed by all the moral influences which had supported him, was reduced in his difficulty to the necessity of employing the *Times*—he begged to apologise to those who conducted the *Times* newspaper — he had intended to say *World* newspaper, as though that paper could create and foster a moral feeling among the people of Ireland. He (Mr. Newdegate) did not undervalue the influence of the press—he did not wish to see it undervalued; but he wished the press to remember that, seeing they all wrote anonymously, it would be especially wise in them to cast out of their number all who proved unworthy; that if they had any respect for the estimation in which they were held in the country, they would repudiate by every means in their power all connection with those who were a disgrace to their profession. Now, what was the Motion to which the noble Lord the Member for Kildare asked the House to assent?—

> "That, in the opinion of this House, the transactions which appear recently to have taken place between the Irish Government and the Editor of a Dublin newspaper, are of a nature to weaken the authority of the Executive, and to reflect discredit on the administration of public affairs."

The "authority of the Executive" did not appear to be very strong in Ireland. It was very possible that a man in the high position of Lord Clarendon might use means to get through an emergency which, though successful for the time, might by their immorality work future mischief. What had they seen in Ireland since these transactions? They had seen open outrage in defiance of the law and the Legislature. They had seen a murderous conspiracy stalking over the land—they had seen the murderer strike down his innocent victim. They knew that the innocent were in daily terror of their lives; they saw the majesty of the law paralysed by perjury, and the refusal of juries to do their duty. And he asked, was there anything in all this to show that the moral tone of Ireland had risen under the Administration of Lord Clarendon? The known state of Ireland at present afforded an answer which could not be refuted. When, therefore, he was asked as a Member of that House to express his opinion upon these transactions, he could not refuse, merely because the Earl of Clarendon had contributed to suppress a rebellion three years ago, to give his assent to a Motion that was couched in such plain terms. A majority of this House, carried away by partisan feelings, might consent to ignore the transactions to which the Motion called their attention; but he could assure the House that the people of England would not ignore them—they would look with jealousy upon any Government who had recourse to such means—with double jealousy when they remembered the means of another kind that were so liberally placed at his disposal in 1848. He should, therefore, vote for the Motion of the noble Lord the Member for Kildare, believing that he had acted from the most honourable, public-spirited, and by no means personal, motives in calling upon the House of Commons to condemn acts which no man could justify, unless he was biassed by the blindest party feeling.

Colonel THOMPSON said, that in listening to what had proceeded from the opposite side of the House, he had been perpetually assailed with the apprehension that hon. Members had been suffering under that misfortune which sometimes happened to an advocate, of having the wrong brief put into their hands. It appeared to him that they had done nothing but try to blacken their client; for in this case of Birch *versus* Clarendon, he believed he was right in saying that it was not Lord Clarendon that was their client. He protested against being supposed to form conclusions for other hon. Members; but he saw on one side a convicted libeller—the term was not his, for he took it from the opposite side—a man, too, who had evidently employed the breach of private and public confidence as the means of obtaining money—and the point on which he felt himself bound conscientiously to decide was, whether he would vote for this man or his victim. There could be no doubt that the noble Lord in question had the same feeling as was so amusingly expressed on a late occasion by an hon. Member, who said that in respect of a certain borough he had only one thing to regret, which was that he had ever anything to do with it all. But as for criminality, he surmised the noble Lord's criminality was of the same kind as he would have incurred if, by a slip of the foot, he had fallen into a quagmire. He did fall into a quagmire when he communinicated with the party in question. But was a public man in Ireland to be debarred from all communication with the press? Was he to take for granted that Gentlemen opposite never did such a thing when they were in power, or would not do it if they again attained to the haven of their desires? On the whole he thought the charge against the noble Lord amounted to nothing; and he should vote accordingly.

Lord CLAUD HAMILTON could assure the House that ever since he had had the honour of having a seat in it, he had never known a step so painful to his own feelings as an imperative sense of public duty compelled him to take on this occasion. There was one point in which he fully agreed with the hon. and gallant Member who had last spoken, that the noble Earl at the head of the Irish Executive had been guilty of an indiscretion; that he had "fallen into a quagmire." That was a full description of what that noble and distinguished Personage had committed, and he deeply regretted that it was so. Again, he had to confess he never knew a case in which his own private feelings clashed so much with his sense of public duty as on the present occasion. It was not only that he had the privilege—and a high privilege he accounted it—to be acquainted with that nobleman in private life; but he considered that there was no man who by his talents and services had done more to adorn his high rank than the noble Earl. He considered that Ireland had seldom, if ever, seen a Viceroy who had brought to bear upon his difficult task more zeal and talent—not even excepting the illustrious Earl of Clarendon who had formerly held a similar situation in Ireland. In history the present Earl of Clarendon's career would be held in high honour; and he would say as an Irishman and as an Irish representative, that his country owed the Earl of Clarendon a deep debt of gratitude. There was no subject connected with the social prosperity, or with the development of the industrial resources of Ireland, which had not been advanced by his enlightened talents and ability. He, therefore, felt it a painful duty that he was compelled to condemn, not assuredly his whole career, but that one error into which his great talents, his high public services, and his noble bearing, had not prevented him from falling. He would gladly take refuge, if he could, from the necessity of recording his vote against one to whom Ireland was so much beholden, in the vague generalities which the noble Lord (Lord John Russell) had indulged in. But he looked upon the noble Lord's speech as an evasion of the whole question. If the noble Lord had appealed to the generosity and the manly spirit of that assembly, he would have had a good chance of obtaining a unanimous acquittal. But, unfortunately, the noble Lord avoided giving a direct opinion upon the one point on which alone an opinion should have been given. He talked most eloquently when he said that during the excited period of 1848 Lord Clarendon displayed every attribute that ought to appertain to a Viceroy, and that all his actions showed him to be endowed with the highest powers necessary to carry on the responsible task which had been entrusted to him; but there was always an unfortunate reference to some one thing which seemed to have had a great effect in obtaining the result which had been arrived at. They had heard of the dangers of a civil war and an insurrection; and from the speech of the noble Lord it could only be gathered that he believed the real instrument in putting an end to that state of things was this despicable paper, the *World*. No reference was made to the loyalty of the great mass of the Irish people; and he was astonished to find that no other Irish Member had come forward to say that the insurrectionary spirit was not so general as the speech of the noble Lord (Lord John Russell) would lead people to suppose. The noble Lord had underrated the loyalty of the people of Ireland, and had attributed far too much to Mr. Birch and the articles in his newspaper. He (Lord C. Hamilton) hoped he should not be accused of giving a party vote, for if he could possibly avoid expressing an opinion with regard to this one blot upon Lord Clarendon's public career, he would gladly do so. As an Irish Member he owed Lord Clarendon a debt of gratitude; but he should consider that he was insulting him, and putting a stigma of ignominy upon his whole career, if he was to mix up this one transaction with his general conduct, and take a verdict upon this question upon the plea of his general career. That distinguished nobleman must, long ere this, have felt how great was the error he committed, and his high chivalrous feeling would scorn having his general conduct thrown in as a make-weight against this fault. He wished to say a few words upon another question. He hoped that enlightened organ of public opinion, the press, would watch not only the speeches but the votes of the hon. Gentlemen opposite, who supported the Government upon this occasion. It so happened that the noble Lord at the head of the Government, and another noble Lord eminent in the councils of Her Majesty, had recently uttered strong censure upon the independence and freedom of the press. Wide-spread dissatisfaction had been felt with those expressions; the press rebutted the charges, and denounced the language in which the censure had been conveyed. The noble Lord was free to censure the way in which the unbought press of England had criticised the public acts of public men in foreign countries. But it was a fitting corollary of this censure that the first occasion upon which Government marshalled all its forces together this Session, and used every influence to secure a majority, should be in direct support and approval of buying and rendering venal the public press. He trusted that the unbought and unpurchaseable press of England would expose this miserable attempt on the part of the Government to patch up the unfortunate act of a distinguished statesman, and that they would direct attention to the fact, that upon this point Her Majesty's Ministers had mustered all their forces to obtain a majority.

Sir DENHAM NORREYS said, there had never been a public man so singularly attacked and so singularly defended as Lord Clarendon had been in this matter. The noble Earl was assailed for having had recourse to the press in the support of legitimate government. Why, what was this more than all public men before him had done? But then, it was said, Lord Clarendon had recourse to a convicted libeller: the gentleman who had made such a point of this vituperation of Mr. Birch, could hardly have been present when the noble Mover of the Resolution passed such an eulogium upon the great talent which the political articles in the *World* had manifested. Now, what did Lord Clarendon want at the particular time but political talent? What was the press of this country? Why, were not 999 out of every 1,000 of the population guided by the press? Was not the press the thinking machine of the nation? Did men in general think for themselves? Was not the press the general guide of the people? And was a public man, then, to be blamed, because he sought the aid of so important a means for securing public approbation to his measures? It was all humbug to talk about Lord Clarendon needing to be ashamed of having recourse to the press as a means of influencing public opinion. He repudiated the apology suggested for this alleged blot on Lord Clarendon's character in the general excellence of his administration. He held that any public man who had confidence in the justice of his own opinions had a perfect right, whether he were in office or out of office, to have recourse to the means which the press afforded him of forwarding those opinions. It did not matter whether he established a new paper, or took advantage of the existence of an old one. It would have been absurd for Lord Clarendon to have attempted to get his opinions promulgated through the *Dublin Evening Mail* or *Post*. He took the common-sense way. He found a paper in existence, with political articles of great ability, and, what was of more importance, the paper was what is called a low, scurrilous paper, which, he supposed, meant that it circulated among the lower classes, and among those whose opinions were, to a certain extent depraved. Now, for the preservation of law and order, it was a thousandfold more necessary that such a vehicle should be made use of for the promulgation of proper opinions, than a paper which circulated more exclusively amongst the higher classes. Suppose, for example, a paper like the *Satirist* had existed in 1848. Would any Minister of the country who wished to influence public opinion through the press attempt to disseminate opinions contrary to Socialism in the *Morning Post*, the *Times*, or the *Chronicle?* No; would it not be far more important that he should have recourse to a paper like the *Satirist*. His position was this, that if one had to encounter principles through the press, he must engage a press which circulated among the classes where those principles which he wished to oppose prevailed. He therefore maintained that Lord Clarendon was perfectly justified in obtaining the assistance of a paper like the *World*. When hon. Gentlemen spoke of corrupting the press, might he ask what opinion they formed of the press? Did they think the press was a virtuous woman? Did they look upon the press, he said, in the light of a virtuous woman, whose purity it would be horrible to trifle with, and to make arrangements with, such as Lord Clarendon had entered into? Could hon. Gentleman realise the idea of the press being a mere article for sale? Could they realise the idea that the editor of a newspaper cared little for the principles which he wrote about, but that he adopted those principles because they were the most profitable? Could they realise the idea that an honourable man might be engaged to adopt one side of politics or principles, if nothing immoral were connected with them, on one day, and transfer those talents the next day to another newspaper, according as he might be engaged? He said, then, that there was nothing dishonourable either in the person who engaged those talents, or in the individual who sold them to him who wanted them. Was not that an every-day occurrence? It was; and why, then, was Lord Clarendon to be made a victim, for that he, bowing to the force of the press and of public opinion, had taken those means which were within his power of engaging the talent which he thought the most applicable to the purpose, and the best suited for the promulgation of those views which he and the Government thought right? He contended that Lord Clarendon had done nothing more than any statesman guided by public opinion in this country was justified in doing. That he had been unfortunate in having had to do with a man like Mr. Birch, who appeared to have no moral or honourable feeling, he admitted, but beyond that there was no moral censure upon Lord Clarendon.

Viscount PALMERSTON: Sir, having for many years had the advantage and the honour of Lord Clarendon's private friendship, and having been closely and directly connected with him by official relations, I cannot reconcile it to my feelings to give a silent negative to the Motion of the noble Lord (Lord Naas). I feel bound to bear my testimony to the private worth, to the personal honour, of Lord Clarendon, and to his public value as a servant of the Crown, and to express my deep regret that he should upon this occasion have been selected as the object of a personal attack. Sir, the noble Lord who made this Motion disclaimed its being a personal question; but if this is not a personal question, I am utterly at a loss to understand what a personal question is. This is not an attack upon a measure of the Government or of the Administration. The noble Lord brings under the discussion of the House, and calls upon the House to censure, a strictly personal act of the Lord Lieutenant of Ireland. Now I hate personal attacks. I think it is an unworthy method of political warfare. But, at all events, if any hon. Member considers it his duty to bring forward a personal attack upon a public man, I think he is bound to see that the grounds upon which his attack is founded, are broad, clear, and substantial. Now, I appeal to those who have heard what has passed this evening, to say whether the noble Lord has succeeded in showing any such ground for the censure he has proposed. I confess it never has been my lot to hear so unsubstantial a ground laid for so grave and serious an accusation. What is it that the noble Lord has established? Upon his own showing, what is the charge which he brings against my noble Friend? It is this—that in a moment of public peril, when dangers of the greatest magnitude threatened that part of the empire of which he was the responsible Governor, a newspaper editor comes and says, "I agree in the policy which you are carrying on. I wish to support the cause of monarchy, of loyalty, and of order, which you are charged to maintain. I have a paper which has but a small circulation. I am willing, if you will assist me in giving it a greater circulation, to endeavour to diffuse more extensively those opinions which I conscientiously entertain, and which are favourable to the system of government which you are desirous of maintaining." Why, I say, Sir, if my noble Friend had shrunk from giving the editor that support he asked for, he would have been more liable to blame for having refused that support, than he is for having afforded to that editor the means of rendering a public service. It may be that the editor was in some respects unworthy of the confidence which my noble Friend reposed in him. It is the misfortune of generous minds frequently to fall into the error of trusting too implicitly those who afterwards prove themselves unworthy of the confidence placed in them. But, Sir, I must say, that for my part, I should not think that I was doing myself credit or honour by taking advantage of information given me by a man who had proved himself so undeserving of confidence; and it must be recollected that those who endeavour to throw dirt upon others may sometimes soil their own hands. I confess that part of the pain which the debate of this evening has occasioned me, arises from seeing the noble Lord (Lord Naas), for whom I entertain personally great respect, become the instrument of so unworthy an attack. Sir, I shall say no more. I see, from the tone and temper of the House, that this unjust and unworthy attempt at censuring my noble Friend will utterly fail; and I am persuaded that the tenor of the debate which has taken place, and the opinion which this House will pronounce upon the Motion of the noble Lord, will leave my noble Friend standing in the high position which he has hitherto maintained, as a most distinguished servant of the public, and a man who has rendered important services, and conferred great benefits on his country.

Lord NAAS: Sir, I do not intend at this hour to trespass upon the attention of the House for any length of time; but I repel with indignation the assertion that this is a personal attack upon Lord Clarendon. I agree with the noble Lord who has just sat down that if I had made a personal attack upon Lord Clarendon, I should have been unworthy to hold a seat in this House. But I have brought under notice the public act of a public individual, the act of an officer of the Government, justified by himself upon public grounds; for the justification which he put forward at the trial was a justification upon public grounds. He said distinctly that the circumstances of the country were such as to justify him in making use of such an instrument. The act was not alone that of the Lord Lieutenant, but of his Government. It is an act which I believe the whole Executive Government have participated in; and of all that I have alluded to to-night, the noble Lord who has just sat down was cognisant. Therefore, it cannot be for a moment maintained that this is a personal attack. Such a thing was never intended. The speech of the noble Lord (Lord J. Russell) was a most dexterous one; but I appeal to the House and to hon. Gentlemen whether the noble Lord, in reply to me, touched a single fact of the case. I maintain that the act of the Irish Government, in this case, was reprehensible and disgraceful. And, notwithstanding all the ability and talent shown by the other side of the House, I have heard nothing to-night to disprove any one of my facts, nor do I think that hon. Gentlemen have vindicated by their speeches what they are going to vindicate by their votes. I leave the issue calmly, and with perfect fearlessness, in the hands of the House. At the same time, I say that the vote they are going to give, is one which may be quoted against them hereafter. They are going to establish, as a precedent, that this House of Commons approves of extracting the public money from the public purse for such purposes. Distort it, alter it as you will, that is the question you are going to vote upon. Even now, I can't conceive that the House will come to such a decision; if it does, it will be remembered against it.

The House *divided*:—Ayes 137; Noes 229; Majority 92.

List of the Ayes.

Adderley, C. B.
Archdall, Capt. M.
Arkwright, G.
Baldock, E. H.
Baldwin, C. B.
Bankes, G.
Barrow, W. H.
Bateson, T.
Bennet, P.
Blair, S.
Blake, M. J.
Blandford, Marq. of
Boldero, H. G.
Booker, T. W.
Booth, Sir R. G.
Bremridge, R.
Brisco, M.
Buck, L. W.
Buller, Sir J. Y.
Bunbury, W. M.
Burghley, Lord
Cabbell, B. B.
Chandos, Marq. of
Chatterton, Col.
Christopher, R. A.
Cobbold, J. C.
Cochrane, A.D. R.W. B.
Coles, H. B.
Collins, T.
Compton, H. C.
Corbally, M. E.
Crawford, W. S.
Disraeli, B.
Dod, J. W.
Dodd, G.
Duncombe, hon. A.
Duncombe, hon. W. E.
Duncuft, J.
Dunne, Col.
Du Pre, C. G.
Edwards, H.
Farnham, E. B.
Farrer, J.
Filmer, Sir E.
Floyer, J.
Forester, hon. G. C. W.
Fox, S. W. L.
Fuller, A. E.
Galway, Visct.
Gooch, Sir E. S.
Goold, W.
Gordon, Adm.
Gore, W. O.
Grace, O. D. J.
Grattan, H.
Greene, J.
Grogan, E.
Guernsey, Lord
Gwyn, H.
Hallewell, E. G.
Halsey, T. P.
Hamilton, G. A.
Hamilton, Lord C.
Harris, hon. Capt.
Herbert, H. A.
Higgins, G. G. O.
Hildyard, R. C.
Hill, Lord E.
Hodgson, W. N.
Hope, A.
Hotham, Lord
Jolliffe, Sir W. G. H.
Jones, Capt.
Keating, R.
Keogh, W.
Knight, F. W.
Knightley, Sir C.
Knox, Col.
Knox, hon. W. S.
Langton, W. H. P. G.
Lawless, hon. C.
Lennox, Lord H. G.
Lockhart, W.
Long, W. B.
Lowther, hon. Col.
Lowther, H.
Lygon, hon. Gen.
Mackenzie, W. F.
Meagher, T.
Manners, Lord G.
Manners, Lord J.
Miles, W.
Monsell, W.
Moody, C. A.
Moore, G. H.
Mullings, J. R.
Naas, Lord
Napier, J.
Neeld, J.
Newdegate, C. N.
O'Brien, Sir T.
O'Ferrall, rt. hn. R. M.
O'Flaherty, A.
Ossulston, Lord
Packe, C. W.
Pakington, Sir J.
Peel, Sir R.
Prime, R.
Renton, J. C.
Repton, G. W. J.
Reynolds, J.
Rushout, Capt.

Sadleir, J.
Scott, hon. F.
Scully, F.
Seymer, H. K.
Sibthorp, Col.
Spooner, R.
Stafford, A.
Stanley, E.
Stuart, H.
Stuart, J.
Sturt, H. G.
Sullivan, M.
Tennent, Sir J. E.
Thesiger, Sir F.
Thompson, Ald.
Trevor, hon. G. R.
Tyler, Sir G.
Tyrell, Sir J. T.
Verner, Sir W.
Waddington, D.
Waddington, H. S.
Walpole, S. H.
Walsh, Sir J. B.
Whiteside, J.
Wynn, H. W. W.

TELLERS.

Beresford, W.
Baillie, H. J.

List of the NOES.

Abdy, Sir T. N.
Adair, R. A. S.
Aglionby, H. A.
Alcock, T.
Anson, hon. Gen.
Anstey, T. C.
Armstrong, Sir A.
Bagshaw, J.
Baines, rt. hon. M. T.
Baring, H. B.
Baring, rt. hn. Sir F. T.
Bass, M. T.
Bell, J.
Bellew, R. M.
Berkeley, Adm.
Berkeley, hon. H. F.
Berkeley, C. L. G.
Bernal, R.
Bethell, R.
Birch, Sir T. B.
Blewitt, R. J.
Boyle, hon. Col.
Brocklehurst, J.
Brockman, E. D.
Brotherton, J.
Brown, W.
Bruce, Lord E.
Bunbury, E. H.
Burke, Sir T. J.
Butler, P. S.
Buxton, Sir E. N.
Cardwell, E.
Carter, J. B.
Caulfield, J. M.
Cavendish, hon. C. C.
Clay, J.
Clements, hon. C. S.
Cockburn, Sir A. J. E.
Coke, hon. E. K.
Colebrooke, Sir T. E.
Collins, W.
Cowan, C.
Cowper, hon. W. F.
Craig, Sir W. G.
Dashwood, Sir G. H.
Dawes, E.
D'Eyncourt, rt. hn. C. T.
Divett, E.
Drumlanrig, Visct.
Duncan, Visct.
Duncan, G.
Dundas, rt. hon. Sir D.
Ellice, rt. hon. E.
Ellis, J.
Elliot, hon. J. E.
Emlyn, Visct.
Enfield, Visct.
Evans, Sir De L.
Evans, J.
Evans, W.
Ewart, W.
Fergus, J.
Ferguson, Sir R. A.
Fitz Patrick, rt. hn. J. W.
Fitzroy, hon. H.
Fitzwilliam, hon. G. W.
Foley, J. H. H.
Fordyce, A. D.
Forster, M.
Fortescue, C.
Fox, R. M.
Fox, W. J.
Freestun, Col.
Geach, C.
Gibson, rt. hon. T. M.
Glyn, G. C.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Granger, T. C.
Grenfell, C. P.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Lord R.
Grosvenor, Earl
Hanmer, Sir J.
Harcourt, G. G.
Hardcastle, J. A.
Harris, R.
Hastie, A.
Hastie, A.
Hatchell, rt. hon. J.
Headlam, T. E.
Heneage, E.
Henry, A.
Hindley, C.
Hobhouse, T. B.
Hodges, T. L.
Hodges, T. T.
Hogg, Sir J. W.
Horsman, E.
Howard, Lord E.
Howard, hon. C. W. G.
Howard, hon. E. G. G.
Howard, Sir R.
Humphery, Ald.
Inglis, Sir R. H.
Jackson, W.
Kershaw, J.
Kildare, Marq. of
King, hon. P. J. L.
Labouchere, rt. hon. H.
Langston, J. H.
Lawley, hon. B. R.
Lemon, Sir C.
Lennard, T. B.
Lewis, rt. hon. Sir T. F.
Lewis, G. C.
Loch, J.
Locke, J.
Loveden, P.
Lushington, C.
Mackie, J.
Mackinnon, W. A.
Macnaghten, Sir E.
M'Gregor, J.
M'Taggart, Sir J.
Mahon, The O'Gorman
Mangles, R. D.
Martin, J.
Martin, C. W.
Matheson, A.
Matheson, Col.
Maule, rt. hon. F.
Milligan, R.
Milnes, R. M.
Milton, Visct.
Moffatt, G.
Molesworth, Sir W.
Moncreiff, J.
Morgan, H. K. G.
Morris, D.
Mostyn, hon. E. M. L.
Mowatt, F.
Norreys, Sir D. J.
O'Connell, M.
Ogle, S. C. H.
Ord, W.
Osborne, R.
Owen, Sir J.
Paget, Lord C.
Palmer, R.
Palmerston, Visct.
Parker, J.
Pechell, Sir G. B.
Peel, F.
Perfect, R.
Peto, S. M.
Pigot, F.
Pilkington, J.
Plowden, W. H. C.
Ponsonby, hn. C. F. A. C.
Power, Dr.
Power, N.
Price, Sir R.
Pusey, P.
Ricardo, O.
Rice, E. R.
Rich, H.
Robartes, T. J. A.
Roche, E. B.
Roebuck, J. A.
Romilly, Col.
Romilly, Sir J.
Russell, Lord J.
Russell, F. C. H.
Salwey, Col.
Scholefield, W.
Scobell, Capt.
Scrope, G. P.
Seymour, Lord
Slaney, R. A.
Smith, rt. hon. R. V.
Smith, J. A.
Smith, J. B.
Somers, J. P.
Somerville, rt. hn. Sir W.
Spearman, H. J.
Stanley, hon. W. O.
Stansfield, W. R. C.
Stanton, W. H.
Strickland, Sir G.
Strutt, rt. hon. E.
Stewart, Adm.
Stuart, Lord D.
Stuart, Lord J.
Talbot, C. R. M.
Tancred, H. W.
Thicknesse, R. A.
Thompson, Col.
Thornely, T.
Townley, R. G.
Townshend, Capt.
Trelawny, J. S.
Trevor, hon. T.
Tufnell, rt. hon. H.
Tynte, Col. C. J. K.
Vane, Lord H.
Verney, Sir H.
Villiers, hon. C.
Vivian, J. H.
Wakley, T.
Watkins, Col. L.
Wawn, J. T.
Wellesley, Lord C.
West, F. R.
Westhead, J. P. B.
Willcox, B. M.
Williams, J.
Williams, W.
Willyams, H.
Williamson, Sir H.
Wilson, J.
Wood, rt. hon. Sir C.
Wood, Sir W. P.
Wrightson, W. B.
Wyld, J.
Wyvill, M.
Young, Sir J.

TELLERS.

Hayter, W. G.
Hill, Lord M.

The House adjourned at half after Ten o'clock.

HOUSE OF LORDS,

Friday, February 20, 1852.

THE "MEGÆRA" STEAM FRIGATE.

The EARL of MINTO said, that in consequence of a letter which had appeared in one of the newspapers, he wished to say a few words in order to remove a misapprehension which had gone abroad of what he had stated a few nights ago. He was supposed to have complained that the Master of the *Megœra,* instead of having taken his course down the mid-channel, had put into Plymouth for his own purposes, and had thus led to the inconvenience and discomfort of the troops on board. That was an erroneous notion. He had complained of the conduct of that officer, and had said that he had gone to sea in extremely bad weather, to which he ought not to have exposed the troops—that it was his duty to have taken shelter either under Dungeness or in St. Helen's Bay, and more especially as, if he had stood in need of help, Portsmouth would, in both cases, have been near at hand. It never could have occurred to his mind that the ship would be exposed to less inconvenience by going down the mid-channel. He had stated that he knew that there was a predetermination existing in the mind of the Master to go into Plymouth for certain objects of his own, and that for that purpose he had forced his ship against a heavy head westerly wind, to the great inconvenience of the troops. He thought that it was the duty of the Master to have sought shelter at one of the places which he had just mentioned. He did not complain of this mis-statement, nor of the gallant Admiral who had written a letter upon it. He wrote on the faith of the report, and the faith of the report might be as much his (the Earl of Minto's) fault as that of the gentleman who had reported it.

Lord REDESDALE observed, that it appeared to him that there was one point with regard to the *Megœra* which had not yet been explained. It had been said that the Master of the *Megœra* had put into Plymouth because, having a contract to supply the ship with provisions, he could purchase them there cheaper than elsewhere. Now, if a supply of provisions at Plymouth was necessary, the *Megœra* must have started from the Downs with a supply insufficient for the voyage. Else, why were provisions to be taken in at Plymouth?

The Earl of MINTO was understood to say, that the provisioning of the ships was undertaken by the Admiralty.

COUNTY COURTS FURTHER EXTENSION BILL—QUESTION.

Lord BEAUMONT begged to ask the noble Lord (Lord Brougham), who had charge of the County Courts Further Extension Bill, what course he intended to pursue with reference to one point, which had not been alluded to in former debates on the Bill, but which appeared to him to make a dangerous alteration in the law, and which, therefore, he wished explained? He found that by the 16th clause, it was to be enacted that either party, who should be dissatisfied with the determination of the County Court Judge in point of law, in any case, whether tried by jury or not, might appeal to the Superior Courts. Now, the effect of this would be to give a power of appeal in cases less than 20*l.*, and virtually to do away with the advantages of the original Act: for by the 13 & 14 *Vict.*, a party who might be dissatisfied with the decision of a County Court on a point of law, might appeal; but that only applied to cases involving sums between 20*l.* and 50*l.* He wanted to know what was the intention of the noble Lord, for he considered that this power of appeal in such cases would be totally destructive of the efficacy of the County Courts. If the learned Lord persisted in the clause, he (Lord Beaumont) would move to expunge it; but if the noble Lord agreed with him as to the danger of retaining it, he would willingly leave the amendment of the Bill to the learned Lord.

Lord BROUGHAM was glad of the opportunity of making some remarks upon the Bill, and thanked the noble Lord, though he had not before known his intention of asking the question. Of the two courses open to him with reference to these County Courts, one was to bring in a general Bill consolidating in one Act—which would have been a matter of the utmost convenience—all the Acts relating to, and all the portions of Acts bearing upon County Courts, and to take that opportunity of correcting any errors that had crept into the Acts of 1846 and 1850, and into other Acts, or sections of Acts, bearing upon the same subject. Whatever mistakes experience had shown to have been committed, would thus have been removed; what omissions it had exposed, would have been supplied; and what additions it had proved desirable, would have been made. In short, a variety of improvements on the original system of 1833, 1846, and 1850, would have been thus accomplished. But to this there were two objections: the first, that it would be desirable to wait for still further experience; the second, that there were other measures besides this in contemplation, which, if they were carried, would bear materially on the County Court jurisdiction. Hence the delay as to that general Act. But the other course, and which he had pursued, was to obtain at all events, and immediately, the benefits of the present Bill, and which he had therefore brought in as nearly as possible in the same shape in which it came out of the other House of Parliament, as in that form it might be said to have the sanction of both Houses and of the Government. It was in the other House of Parliament that the clause to which the noble Lord alluded had been inserted. It was not his, for he was anxious to keep the law to what it was before, and to confine the appeal to cases of between 20*l.* and 50*l.*

INDIAN AFFAIRS.

The Marquess of LANSDOWNE said, that with regard to the letter from Lord Ellenborough in defence of his measures, while Governor General of India, upon the non-production of which that noble Lord had commented the previous evening, he was happy to state that the Board of Control had found it, and it would be produced with the other papers relative to the same affairs.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, February 20, 1852.

Minutes.] Public Bills.—1° Charitable Trusts; Common Law Fees Regulation; Personal Estates of Intestates; Burgh Harbours (Scotland).

UNSTAMPED MONTHLY NEWSPAPERS.

Mr. SCHOLEFIELD said, that he understood from the answer given on a former day by the right hon. the Chancellor of the Exchequer, to the right hon. Gentleman the Member for Manchester, that he was disposed to acquiesce in the decision of the Court of Exchequer, in the recent case of Dickens' *Household Narrative of Events*. Previously to that decision the Board of Inland Revenue had inflicted penalties on several publications of a like character, and, in particular, on the *Wakefield Examiner*. He begged to ask the right hon. Gentleman what course the Government intended to pursue as to indemnifying those parties, who, under a mistaken interpretation of the law on the part of the Board of Inland Revenue, have recently been compelled to pay a penalty for issuing unstamped monthly newspapers?

The CHANCELLOR of the EXCHEQUER said, the statement he made the other day on this subject appeared to have been misunderstood. What he meant was, that after the discussion in the case alluded to, the Government were not disposed to press the point further. He did not mean to say that he acquiesced in the interpretation of the law in that case, as generally applicable, nor that the Government had decided on what course they should take. It fact, it was now under consideration what steps it might be desirable to take, because the interpretation which the Government had put upon the law had prevailed for the last 200 years. There were not many cases in which penalties had been inflicted, or compromises made. The only one in which there had been any such compromise was in the case of the *Wakefield Examiner*, and he did not feel disposed to refund the small sum of 10*l.* paid on that occasion.

Mr. HUME begged to ask if the noble Lord at the head of the Government acquiesced in the decision of the Court of Exchequer. As the right hon. Gentleman the Chancellor of the Exchequer said that he did not acquiesce in it, it was important to know if the Government did acquiesce in that which had been settled by a solemn decision.

The CHANCELLOR of the EXCHEQUER said, that he had distinctly stated that he did not concur with the decision. What he meant to say was, not that he was going to reverse the decision of the Court of Exchequer, but it was under consideration whether any steps should be taken on the question generally, on the authority of that decision.

Subject dropped.

THE "MEGÆRA" STEAM SHIP.

Mr. ROEBUCK said, that, seeing the First Lord of the Admiralty in his place, he begged to ask him a question relative to a steam vessel—the *Megœra*, which was some time since despatched to the Cape of Good Hope with 800 British soldiers on board. It was necessary, however, that he should preface his question by making certain statements to the House, and asking the right hon. Gentleman whether or not those statements were correct; and, if they were not correct, to be kind enough to furnish a true version of the circumstances to the House. Some time after the steamer left, a letter appeared in the *Times* newspaper written by a clergyman of the name of Buller, who stated that he had been on board the vessel—that she was in a state of the most dire confusion—that no preparations appeared to have been made for the accommodation of either officers or soldiers—and that any one who had seen that vessel must be convinced that before she reached the end of her voyage some very serious disaster must befall her. A few days afterwards that vessel was driven by stress of weather into Plymouth. She met with a severe gale in going down Channel; and last Tuesday another letter appeared in the same newspaper signed by a person of the name of Hanway, which contained a statement to this effect: First, that the ordinary period for performing the voyage from Plymouth to Madeira was sixteen days by a sailing vessel, and that by a steam vessel the ordinary passage was seven days; but that on account of Her Majesty's steam ship the *Megœra* having on board only coal enough for six days' consumption when she left, the voyage from Plymouth to Madeira occupied her seventeen days, or ten days more than it ought to have done. The charge made against the persons who had the management of this service was, that the vessel was sent away totally unprepared for such a voyage, with that precious cargo of 800 lives on board; and that she was supplied with only six days' coals, though her destination was the Cape of Good Hope; and it was stated also that she was twice on fire after starting from Plymouth, and before her arrival at Madeira. He wished to know if these statements were correct or not; and, if they were, how the right hon. Baronet accounted for it that the *Megœra* had no coals after the seventh day, and how it was that she had taken seventeen days on her passage to Madeira?

SIR FRANCIS BARING would be happy to state the facts as fully as possible for the information of the hon. and learned Gentleman and the House. With regard to the case of the *Megœra*, he might state that she was built in a private yard, and that her engines were, as usual, made by a private manufacturer; but in consequence of her being constructed of iron, it was thought most advisable to fit her out for the conveyance of troops, and he could give every assurance that the greatest care was taken in fitting her out for that purpose. Twice the Board of Admiralty themselves inspected the *Megœra*, and the naval officers of the Board spoke in the strongest terms of her capabilities as a troop-ship, both before and after she was fitted out. It was after communication with those officers, who were the most experienced on the subject of the conveyance of troops, and according to their suggestions, that she had been fitted; but it was quite unnecessary that he should enumerate all the little alterations which were effected, or the small conveniences with which she was supplied, and which had never before had an existence in a troop-ship. He might mention, however, that there was a gallery constructed for the purpose of enabling the soldiers to cook their food, in addition to the cooking place which was used by the crew. There was also a washing-place for the troops, altogether separate and distinct from that of the crew. And, as regarded the accommodation for the officers, their cabins were furnished; they were allowed a steward to look after them; and crockeryware, glass, and plated articles were supplied to them, and that had never been done before. Probably it might be satisfactory to the House to be informed that the *Simoom*, though a somewhat larger vessel, was fitted exactly in the same manner as the *Megœra.* In order to obviate any further complaints, the Board had asked the Horse Guards to appoint an officer to inspect the *Simoom*, and to make such suggestions of improvements with regard to the carriage of troops as might seem to him to be necessary. That officer, in company with one of the officers of the Admiralty, of great experience, inspected the *Simoom;* but he made no suggestions of importance for improving the arrangements. According to the araangement made in 1844, the *Megœra* was capable of carrying more troops than she did carry. But in order that no inconvenience might be felt, his gallant Friend, under whose superintendence this particular department of the service was placed, communicated to the Horse Guards that, if they preferred it, he would send out 100 men of the regiment by another vessel. The Horse Guards then communicated with Colonel Buller, the commander of the regiment, who earnestly pressed that the troops should not be separated, but that the whole regiment should be sent out in the *Megœra.* Colonel Buller looked at the matter in the spirit of a soldier. He thought that the separation of his troops would not conduce to their discipline when they arrived at the Cape, and were engaged in actual service; he preferred, therefore, that they should go together. And he (Sir F. Baring) asked the House what would have been thought of the Admiralty if, after these grounds had been stated to them, they had insisted that the troops should be separated, in opposition to the opinion of the officer in command of the regiment, and of the Horse Guards, both of whom preferred that the troops should be conveyed in one vessel? It had been stated that the ship was lumbered with Ordnance stores, and it was quite true that Ordnance stores were on board her. The Admiralty having received a request from the Horse Guards that certain Ordnance stores which were necessary for the regiment should be conveyed in the *Megæra*, those stores were put on board accordingly. They consisted of the tents requisite for the accommodation of the troops in the event of their being called into the field, and the ammunition required for the rifles which they carried. That very day he (Sir F. Baring) had gone over the list of these Ordnance stores with the Adjutant General, at the Horse Guards, and that gentleman informed him that there was not an article in the list which it was not absolutely necessary the troops should have with them. How great would have been the clamour, and how severe the attacks upon the Admiralty, had they sent out a regiment for this service, and refused to convey the tents, stores, and ammunition it required. It had been stated that the coals on board the *Megæra* were sufficient only for six days' consumption. But the *Megæra* was a screw vessel; she had therefore all the advantage of sailing and steaming, and her coals were a ten days' supply at full steam, and twenty days' supply working with sails. Consequently he could not agree to the statement that she had only six days' coals on board. He did not know what quantity she might have consumed between Dover and Plymouth, at the latter of which places she re-coaled. He could not tell to within a ton either what quantity she had then on board; but he had every reason to believe that she left Plymouth fully coaled. It was quite true that on her passage between Dover and Plymouth she met a very heavy gale, and it was from that circumstance she had very properly put into Plymouth. But he had received a report from Devonport with regard to the defects of the *Megæra*, and the observations of the practical officers who made it were, that, strained as she must have been by being forced against a heavy gale for so long a time, they were surprised that her defects were so small; and that, so far from being detained there on her passage, the defects were all made good without difficulty, and she proceeded on her voyage almost as soon as the attacks appeared in the newspapers alleging that she had broken down. It was true, also, that her passage from Plymouth to Madeira was a long one; but of course he (Sir F. Baring) could not command the winds and the waves. He had a letter then in his hands which was written by the master of the *Birkenhead*, who could not have been aware when he wrote it of the various statements which had gone forth to the public, and in which he gave an account of his voyage in that ship. He said that for six days he met a hurricane such as he had rarely witnessed before; that afterwards there was a heavy swell against her; and he then stated that for eight days the blue-jackets and the soldiers in the *Birkenhead* were wet to the skin. He was very sorry for these misfortunes; but if on any emergency troops were sent on a public service, it was not to be expected that he could guarantee that they should not encounter a hurricane, or be opposed by a gale. Still he had no reason to suppose that the troops in the *Megæra* were subjected to greater inconveniences than were usually experienced by other vessels in the same circumstances; and deeply as he might regret any inconveniences that the soldiers might suffer, it must still be recollected that these were hardships which the sister service were exposed to almost every day of their lives. The only portion of the hon. and learned Member's statement which now remained for him to reply to was the circumstance of the ship being twice on fire. It was perfectly true that, owing to the working of the ship, the fire clay was removed from a part of the funnel, and that the felt got ignited in consequence. But hon. Gentlemen must not suppose that that meant that the ship was on fire. The felt got heated, but there was no flame. And the account he had received was, that it was put out without the slightest difficulty in a short time, and that the repairs were easily effected. He did not know if any further information was required. But, in conclusion, he begged to say, that he was most anxious on the part of the Admiralty to state for the satisfaction of the House, and the naval service in general, that every accommodation and every attention was paid to the troops which were sent out on board ship.

Mr. ROEBUCK said, he had been informed that the rifles of which the right hon. Gentleman spoke as having been sent in the *Megæra*, were sent without any ammunition, and that that error was not discovered until the ship came into Plymouth. He would ask the right hon. Gentleman if that statement was true, on Monday next.

Mr. FITZROY wished to know if any improvements had been effected, or were contemplated, with reference to the method of coaling the Royal steamers?

Sir F. BARING: Some had been introduced, and others were under consideration, but as yet he could not state what were the results.

EXCHEQUER BILLS.

Mr. J. B. SMITH said, that he saw, by an advertisement in the *Gazette*, that notice had been given for the paying off some Exchequer Bills. The interest on Exchequer Bills was now at the rate of 1½*d.* a day, or 2*l.* 15*s.* 7½*d.* per annum; while the premium on them was 63*s.* He understood that, from the state of the money market, if they were issued bearing interest at 1¼*d.*, they would command a premium of 40*s.*; and if the interest was 1*d.*, they would still be at a premium. The question, therefore, which he had to ask the right hon. Chancellor of the Exchequer was, whether the report was true that he was going to renew the Exchequer Bills at 1½*d.* a day? If so, perhaps the right hon. Gentleman would explain to the House why he was thus about to sacrifice 130,000*l.* per annum—that being the sum, on the whole amount of Exchequer Bills filed, between the rate at which they might be issued, and the rate at which they were about to be issued.

The CHANCELLOR of the EXCHEQUER replied, that it was quite true that he was about to renew these Exchequer Bills at 1½*d.* per day. It had been suggested to him whether it might not be expedient to renew them at an interest below that rate; but, on the best consideration, he had come to the conclusion that that would not be a desirable course to take. The present was the lowest rate at which Exchequer Bills had ever ran, and he did not think it desirable that the interest on this description of security should be fluctuating, or should go up and down. More than that, he thought such a course as that advised would tend to diminish in the Market the value of the securities, the character and credit of which it was most essential to maintain. The hon. Gentleman would also see that if he (the Chancellor of the Exchequer) were to take this step of reducing the interest further, the tendency would be to promote speculation in this direction in the market; and, looking to what had taken place on other occasions, in consequence of such speculation, he did not believe that it would be desirable to produce such a result. Hon. Gentlemen might remember how much blame was attributed to the Government of Sir Robert Peel for lowering the rate of interest when the Bank Charter Act was renewed in 1844. In that year Exchequer Bills were 10*s.* premium more than at present; they rose so high as 79*s.* premium in the course of the year, and it was not thought advisable to lower the interest, and hence the charges of encouraging undue speculation made against the Government. He had resolved, therefore, not to impair the character of the security, and to prevent over-speculation. The hon. Member, too, had very much overrated the probable loss to the country on the Exchequer Bills.

ST. ALBANS ELECTION.

Order for Consideration of the subject matter of the Communication made to the House yesterday by the Serjeant-at-Arms attending this House, read.

Lord JOHN RUSSELL said, he believed there could be no question raised on this occasion as to what their course should be. The proceeding arose out of the statute of 11 & 12 *Vict.*, cap. 98, sec. 83, which gave the power to the Chairman of Select Committees of that House:—

> "If any witness before such Select Committee give false evidence or prevaricate, or otherwise misbehave in giving or refusing to give evidence, the Chairman of such Select Committee, by their direction, may at any time during the course of their proceedings report the same to the House for the interposition of the authority or censure of the House, as the case requires, and may, by a warrant under his hand, directed to the Serjeant-at-Arms attending the House of Commons, or to his deputy or deputies, commit such person (not being a Peer of the realm or Lord of Parliament) to the custody of the said Serjeant, without bail or mainprize, for any time not exceeding twenty-four hours, if the House be then sitting, and if not, then for a time not exceeding twenty-four hours after the hour to which the House stands adjourned."

The House would see, therefore, the case had arisen under that Act, and that the question was whether, according to law, the Chairman of Committee had used such authority as he was justified in using; and he (Lord John Russell) did not think it was a breach of privilege. He would therefore move that the Serjeant-at-Arms be allowed to plead to the action.

Mr. HUME thought it very odd that the House of Commons—the first Court in the country—could not exercise the power and authority claimed by every Court in the Kingdom—to enforce its own orders. He could not admit that House was subordinate to any Court; and if this Motion was to lead to the same result as that to which he had, to his regret, consented on a former occasion, when opposing what he thought an undue extension of their powers, he would certainly enter his protest against the proceeding now, as being derogatory to the high character of the House.

Mr. ROEBUCK said, he wished to suggest this difficulty to the hon. and learned Attorney General. He (Mr. Roebuck) quite agreed with the hon. Member for Montrose (Mr. Hume), that the House possessed the power of protecting itself. If the Committee had been merely a Court under an Act of Parliament, then, no doubt, all this would come naturally under the supervision of a superior Court. But then, the Statute showed that it was only a provisional power which was granted to the Chairman of a Committee to commit a refractory person into custody. What was the meaning of the words "until the House meets?" These words indicated that the Chairman was to act only provisionally, the matter being placed under the supervision and control of the House of Commons. The House could not be separated from the Committee. The Committee communicates to the House of Commons, and the House of Commons decided whether or not the Chairman of the Committee had acted properly. The Chairman had acted properly on this occasion; the House justified the conduct of the Chairman; and now one of these contumacious witnesses brought an action against the officer of the House for doing what he had done not only under the command, but with the approbation of, the House. To his (Mr. Roebuck's) mind, therefore, it appeared that the House was directly involved.

The ATTORNEY GENERAL said, that it appeared to him that both the hon. and learned Member for Sheffield (Mr. Roebuck) and the hon. Member for Montrose (Mr. Hume) were labouring under misapprehension. The hon. Member for Montrose was altogether in error in supposing that this was a question of privilege, or one leading to a contest between the courts of the realm. It arose in this way. The Act of Parliament gave power to the Chairman of an Election Committee to commit witnesses for contempt of Court. The question in this transaction was, whether the Chairman had duly exercised the power invested in him by the Act. The hon. and learned Member for Sheffield was also in error in assuming that the action brought against the Serjeant-at-Arms was for something done under the order of the House; for, although the Chairman had reported the case to the House, the committal was anterior to that report, and the Act was, therefore, done by the Chairman, and by virtue of the authority invested in him by an Act of Parliament. The Act had, therefore, been done on statutable authority. It had not been done by virtue of the privileges or rights of the House, but by virtue of the statutable privileges invested in a particular individual. Hence, the Serjeant-at-Arms had acted, not by virtue of the authority of the House, but by virtue of an authority vested in an individual Member of the House.

Sir ROBERT H. INGLIS said, it would be very undesirable to revive again the useless debates of *Hansard* v. *Stockdale;* they were matters of record, and could be referred to if required. But he would say, that this House was neither the first, nor the second, nor the third, Court of Law; in fact, it was no Court at all. It had no power which was not granted, not by this House alone, but by the whole Legislature. He saw no objection that the Serjeant-at-Arms should plead to the action, but he hoped that this House, which could not of itself make any one law, would not claim to be above all.

"*Resolved*—That the Serjeant-at-Arms attending this House have leave to plead to and defend the Action brought against him by William Lynes."

LOCAL MILITIA.

Lord JOHN RUSSELL: I wish, Sir, before the Report of the Committee is received, as there appears to be some objection to allow me to bring in this Bill, I am anxious to be permitted to recapitulate the principal provisions of the measure. I stated the other evening that we did not propose to proceed on the basis of the

Local Militia Acts, but to modify that basis in such a manner as to enable us to realise the object which the present Bill contemplates—which is, that we may be enabled to obtain a considerable number of men who will be on duty for a short period of each year, and who, in case of a war, may be available and useful for some months, so as to supply the place of the regular troops, and to allow an opportunity for the Army being recruited and strengthened. Now, what we are most anxious to do, is to accomplish this object by means the least burdensome and the least expensive to the country. With this view, we propose that, in the first place, instead of taking the ages from eighteen to thirty, or from eighteen to forty, as in the old system, we shall take them—for the first year from twenty to twenty-three; and for subsequent years, from twenty to twenty-one. Those ages comprise the periods of life when men, generally, are not married, and, therefore, are not liable to the inconvenience of being taken from their families, so that the loss to themselves and the expense to the country will probably be not so considerable as they would have been had more mature periods been selected. These men having been chosen by ballot in the proportion of one-fifth of all those who are of the prescribed age, we then proceed to make arrangements respecting substitutes. On this question we do not propose to take either the provisions of the regular Militia Act, or the Local Militia Act. We propose that the persons balloted for and chosen shall be at liberty to procure substitutes, but the substitutes must be taken out of the same lists from which they were themselves selected; that is to say, that the substitutes must be of the same district, and of the same range of age as the principals. Regard being had to the system on which we intend to proceed, of taking only one-fifth of the number of the prescribed age, we do not apprehend that there will be any difficulty in procuring substitutes whenever it may be found desirable to do so. Having succeeded in procuring men who, being levied in the proportion of 30,000 men a year, will amount in the aggregate to a force of 100,000, or if need be, of 150,000 men, we propose that during the first year of their service they shall be liable to duty for twenty-eight days, and for fourteen days during every subsequent year, until the period of four years is accomplished. These arrangements are intended to apply in times of peace, but the especial object of the Government is to obtain a sufficient force to be useful in the event of war. The existing Militia Laws are designed to refer simply to the calling out of the force in case of an actual invasion, or in case of an enemy being on the coast. The old local militia were liable to be taken from their native districts only during such an invasion, or while the enemy was on our shores, and for a period of six weeks after those occurrences; but it appears to me that these are not provisions which it would be judicious to adhere to in the event of any future war in which this country may be engaged with Europe or with the United States. What we propose is, that, in the case of an invasion, or of a threatened invasion, it may be lawful for the Crown to call out this body of Local Militia, and to call them out, if need be, for a period of not more than six months, and that that period may be extended to twelve months if it should seem desirable to Parliament to present an Address to the Crown for such a purpose. We conceive that if this body be properly trained, disciplined, and equipped, and formed into efficient battalions, it will be a force very available for the purpose of defending this country in case of invasion, while, at the same time, it would afford an ample opportunity for calling out the General Militia if desirable, or for increasing the regular Army to such an extent as entirely to supersede the apprehension that there would not be a sufficient force for the protection of the kingdom. With respect to the officers, I have stated that it is intended that the Lord Lieutenant of each county will have the power also of appointing two-thirds of the officers of this force, while one-third, including a field-officer, shall be officers selected from the half-pay of the regular Army. Such are the most essential features of the plan; but whether the project is one which will ensure a sufficient force for the protection of the country, and whether it will do so in a manner least burdensome to the country, are questions which it will not be possible for the House to decide without having the Bill before them. What I wish, therefore, is, that the House will, before taking another step, allow me to place the Bill upon the table, so that there may be an ample opportunity for considering its details. When the House is fully conversant with these details, I shall be quite prepared either to discuss this plan, and to urge it on the adoption of the House, or to accept any other scheme which may be proved to be more worthy of sanction. I think, however, that the House would do wisely in allowing me to lay the Bill upon the table at the earliest possible opportunity. I should observe, before concluding, that we propose to repeal all existing Acts with respect to the local militia; and that the new Bill will, therefore, be complete in itself. It must be apparent to the House that if the principle of this Bill, such as I have sketched it, shall be adopted, it will be absolutely necessary to repeal the existing Acts, with a view to reconstruct the system on the basis of this Bill. The present mode of obtaining men for the militia is so exceedingly dilatory, that I believe at least ten weeks would have to elapse before the preliminary process could be completed. It is, above all things, desirable that the preliminary process should be made by the new Bill as simple and as expeditious as possible. In order to the attainment of this object, it is certainly desirable that the old Acts of Parliament relating to the Militia should be consolidated and amended. But I understand that my hon. Friend the Member for Montrose (Mr. Hume) desires to raise the whole question of the expediency of having any militia force whatsoever; and that is a question of such high importance, that I think it highly expedient that the fullest opportunity should be afforded for its discussion. With respect to the opinions expressed a few evenings since on this subject by the noble Lord the Member for Tiverton (Viscount Palmerston), it appears to me that they do not differ in any essential respect from those to which I gave utterance, and that they are conclusive as to the wisdom, and indeed as to the necessity, of having, irrespectively of our regular Army, a force on whom we could depend in the unfortunate event of a war or a foreign invasion. It is necessary for this country, having the limited number of men which it has for the regular Army, there being no prospect that this House will ever adopt any proposition for an increase of 30,000 or 40,000 men to the regular Army, to be kept in the United Kingdom—it is necessary that there should be some force of militia which should enable the country to have at command a sufficient number of men partly trained and ready for employment, and that this force should be ready to be sent to any part of the Kingdom. I therefore trust the House will permit me to lay the Bill upon the table, so that they may be enabled to arrive at a direct conclusion as to its provisions.

Resolution *reported:*—

"That the Chairman be directed to move the House, That leave be given to bring in a Bill to amend the laws respecting the Local Militia."

Motion made, and Question proposed—

"That Leave be given to bring in a Bill to amend the Laws respecting the Local Militia."

VISCOUNT PALMERSTON: Sir, it is far, very far, from my intention to prevent the Government from bringing in a Bill for the purpose of providing a force to be available in case of invasion. On the contrary, my wish is to assist them in doing so. But I think it is of great importance, both for the public service and for the convenience of the House, that a Bill brought in, consisting of considerable details, should be founded on a right principle, because, if a Bill be brought in on a wrong principle, it will take a great deal more time and labour to work it out to a right principle, than would have been required to make it complete if it had been, in the first instance, framed upon a principle applicable to the purposes for which it was intended. From what the noble Lord stated, it is obvious that there is an essential difference between the title which he intends to give the Bill, and its substance and provisions; and the object of one of the Amendments which I intend to move, is simply to place the title of the Bill and its provisions in harmony one with the other. The first Amendment refers to what the noble Lord has just stated, and applies equally whether the Bill shall relate to the local or to the regular militia. My first Amendment is, that the Bill shall not only amend, but shall also consolidate, the existing Acts. From the statement of the noble Lord, it would seem that it is intended to amend the existing laws: the addition which I propose, and which the hon. Member for Montrose (Mr. Hume) suggested, is to add the word "consolidate," so that the whole of the existing law on this subject should be incorporated in one Act. But the main point for consideration is, whether the measure is to be founded on "the militia," or upon "a local militia." There is a very essential distinction between the two—but a distinction which was entirely lost sight of in the observations which fell from the noble Lord; for, in proposing to bring in a Bill which appears by its title to be founded on the local militia, the noble Lord describes provisions which are very nearly identical with those which govern the regular militia. What I humbly conceive to be necessary is this —we are in a political and geographical position which exposes us—I hope not much—to the probability, but certainly to the possibility, of finding ourselves engaged in a war, and we are liable to be invaded in case of war, by a very formidable force. We have not in time of peace a regular Army sufficient, to meet emergencies of this kind. It would not suit the habits of the country, nor the finances of the country, to follow the example of the military nations of the Continent, who, in time of peace, maintain a standing army sufficient to defend them in the outset of any war in which they may be involved. Well, our regular Army, therefore—at all events that portion of it which we retain at home—is necessarily small in time of peace, and is insufficient to meet the various emergencies to which we might be exposed at the breaking out of a war. And be it remembered, that, in considering the event of the breaking out of a war, we must bear in mind the change that has taken place in navigation by means of steam, which renders the danger much more imminent than it has been on any former occasion. We have to provide not against danger which will happen at the end of six months or eight months, but against danger which may happen in a month or even in a fortnight from the time when it was first to be apprehended. Now, how is that danger to be met? Sir, the only rational mode of defending ourselves from such danger is, that we should in time of peace have a considerable force organised, officered, clothed, armed, equipped, drilled, and disciplined, and ready on the shortest possible notice to appear in arms—either when a war has broken out, or when there is ground for serious apprehension that it will break out. I wish to see a force ready trained, and which we can lay our hand upon, and which might start into arms at the shortest possible notice. It is so far immaterial what such a force may be called—whether local militia or regular militia, provided the men are trained, armed, and equipped, and in readiness to be called out at a short notice. But a local militia is not such—a local militia is not by the law which formed it liable to be called out, except in cases of actual invasion, or of an enemy being in force off our coasts. To call out a militia when the enemy had landed, or were actually on our coasts, would be something like locking the stable door after the steed was stolen, or bolting the doors after the robbers had entered the house. If the militia is not to be called out until the enemy have landed, or are lying in Torbay, they would be too late to fulfil the purpose for which they ought to be designed. Therefore, Sir, a local militia wont answer; it has, indeed, in fact, been thrown overboard in substance by the noble Lord himself, though, strangely enough, he still preserves the title. The next condition is, that the forces so called out, and available in time to be of use, should, when called out, be liable to serve in any part of the United Kingdom in which its service may be required. We have Ireland near at hand, and we must not disguise from ourselves the circumstance that an enemy might land, or attempt a landing, not merely in one part of the United Kingdom, but in two or three places at once; and a defensive force which comes to the aid of a regular army must, in order to be useful, be applicable to every portion of the United Kingdom. Now, the local militia is not so applicable. The existing Local Militia Act distinctly provides that the local militia is not to go out of Great Britain. The noble Lord, feeling the force of the arguments against his militia being considered as merely a county militia, said it would be applicable to every part of the United Kingdom. Well, then, why does the noble Lord style it local? That name does not describe in this respect the quality and character of the noble Lord's plan. It is admitted to be necessary to organise a defensive force which may be called out to serve in any part of the United Kingdom; but such a force is not a local militia, but a regular militia. In former times the Irish militia was liable to serve only in Ireland, and the militia of Great Britain only in Great Britain; but, in 1813, an Act was passed, by which, from that time, all the militia were liable to serve in every part of the United Kingdom. I trust the force now about to be raised will be of this kind. I confess that, having some slight interest in Ireland, I am anxious as to the defence of that country, and it would be no consolation to me as an Irish proprietor to be told, "Here are 200,000 gallant local militiamen in England, but they must be kept back from serving for the defence of any other part of the United Kingdom, and you must content yourselves with whatever volunteers may offer themselves in Ireland." The noble Lord persists in the use of the phrase "local militia;" but the force, as he describes it, which he intends to raise, is, in this respect, really identical with the regular militia, as distinguished from the local. Another point is also essential in the defensive force which we ought to have, and that is, that the force when called out should be liable to remain embodied as long as required for the defence of the country. Now, the local militia is not so. By the Local Militia Act they are only liable to be called out after the enemy has landed, or is in force off the coast; and they could not be kept embodied longer than six weeks after the enemy should have been expelled, or should have been prevented from landing. Now, it is evident that the liability to danger does not cease with the sailing away of an enemy's squadron from one of our bays, or with the expulsion of a body of his troops from our territory. But here again the noble Lord throws overboard the provisions of the Local Militia Act, though he still retains the name, because I understand him to say, that the force which he proposes to raise, is to remain embodied for six or twelve months after it is called out. The plan proposed is, therefore, I think, neither one thing nor the other; it provides for the establishment neither of a local nor of a regular militia. It is, however, so far local that it is to be different from a regular militia; and you are to have a regular militia besides; and then what is to happen? Why, this body of local militia, numbering in a few years 200,000 men, who are liable to be called out upon the breaking out of a war, and kept embodied for six or twelve months, is to give way, on an emergency, to an augmentation of the regular Army, and to the embodying of a regular militia. This is an arrangement which, I think, will cause great confusion. Why, upon the breaking out of a war you will have 200,000 men ready to be drawn out, and yet you are at once to proceed to the double process of enlisting, in order to make a large augmentation of the regular Army, and at the same time to proceed to ballot for 90,000 men for the regular militia. This will be playing right hand against the left. You will be sending your recruiting parties through the country to raise men for the line, and you will be making, at the same time, the necessary arrangements for balloting a large number of men for the militia. This will be a very unwise and inconvenient arrangement. Surely it is far better that we should have, in time of peace, a well-trained force in reserve, to aid the regular Army in time of war, and that when we get that trained force we should keep it. Is it not better that a body of men formed and disciplined in time of peace, should be maintained and kept up, than that we should trust upon an emergency to raw levies—the Army bidding in the recruiting market against the militia, and the militia against the Army? In the course of the last war, I believe it never happened that in one year we were enabled to add more than 25,000 men to the regular Army by voluntary enlistment. But you would require a much greater augmentation than this in time of war. You would be obliged to send reinforcements to your foreign garrisons; you would be obliged to make a large augmentation to your home defences, therefore, I apprehend that at least two years or more must elapse before you could with any degree of safety dispense with the embodiment of that reserved force, which, dormant in time of peace, could be promptly brought out in time of war, and made available for the defence of the country. For these reasons, Sir, it appears to me that what the country wants is that force which we call the militia. It is a force which has existed much in the shape it has now assumed since 1661. It was remodelled in the time of George II., and afterwards improved in the reign of George III. Various Acts of Parliament have been passed since then, all of which were based upon the principle of the original Act. The system has existed for nearly two centuries; and in the preamble of the Militia Act of 1802, the purposes and objects of the force are distinctly explained. It sets forth that—

> "Whereas a respectable military force, under the command of officers possessing landed property is essential to the constitution, and whereas the militia, as by law established, through its constant readiness on short notice for effectual service, has been found of the utmost importance to the internal defence of this realm—"

And so it goes on. The local militia, on the other hand, was an accidental and occasional force, devoted to a particular purpose, and required at a particular time. The preamble to the Local Militia Act says, that—

> "Whereas it is expedient, in the present circumstances of Europe, that a local militia should be established, trained, and permanently maintained under certain restrictions in England, to be called forth and employed in case of invasion, in aid of His Majesty's regular militia force, for the defence of the Realm, may it please Your Majesty—"

And so on. The local militia was established, in fact, as a reserve for the regular militia, and not as a substantive force in itself, nor as an element in the permanent defences of the country; and that being the case, it was a very natural and practicable arrangement that the local militia should not be called out until the enemy had actually landed, for the country had a regular militia and a standing Army in sufficient force to meet the first assault of any invading enemy, and all that the country wanted was to have a *corps de reserve* in case reinforcements should become necessary. But, Sir, we have not now that force to which the local militia was to be subsidiary—we have not got the regular militia. Well, then, the result is, that as there is only a small portion of our regular troops in the country in time of peace, we want a force that can be called out at once—we want a force available for the service of the United Kingdom at large, and which can be equally employed in every part of it. I will not go into details about substitutes and other matters of minor arrangements in the Bill until the time arrives for going into those matters in Committee; but I wish to impress on the House that what we want is, that kind of force which we have had for two centuries, namely, a regular militia; and what we don't want is a force to be called a local militia, but which is not a local militia. It is quite plain that such a force as I have described will answer the purposes of the country. And such a force would not be a new thing, for so late as 1831 we had a regular militia called out for training. The regular militia was trained in 1821, 1822, 1825, and again in 1831, so that there is not the objection of novelty to make against the regular militia. I know, however, although we may not have the objections stated here, that objections are felt, and objections have been stated to me, that the regular militia is a bad thing, because it admits of substitutes; that you cannot rely upon your substitute; that he will not appear at the time of training; that he will not come when the regiment is embodied; that, in Scotland, people do not like to be compelled to serve; and that in Ireland you cannot trust the men who may be enrolled. To listen to these objections, one might suppose that Englishmen are cheats, that Scotchmen are cowards, and that Irishmen are traitors. The whole of the objections of the Government to the formation of a regular militia are founded upon a radical distrust of the people of the United Kingdom. I, Sir, on the contrary, am disposed to confide in the people. But, if things have come to this pass, if we have so mean an opinion of our population, that we cannot trust our fellow-subjects to defend themselves, it is much better to give up the Bill altogether. But, Sir, there is no foundation for this distrust; there is no reason to believe that the people of England would not rally round the national standard. It will not be for the first time that the people of Scotland will have risen up in arms and have fought the enemies of the United Kingdom; and if it be that we cannot trust the people of Ireland to be faithful and true to their Queen and country, why, Sir, let us at once send for a Russian force to defend us, or let us have an Austrian garrison in London. Let us hide our heads in shame and confusion; let us confess that England is no longer England, that her people are no longer endowed with that spirit and courage which sustained them in times gone by; and that they will not take up arms in their own defence, in defence of their homes and their families, of their Sovereign and their country. Such seems to be the idea of the framers of this Bill. But that is not my opinion. I do not think so meanly of the people of this country. I believe the people of England love their country; that they have a proper sense of the value of what they are called upon to defend, and that they would act with a spirit of determination to maintain the liberties and independence of their fatherland; that they are not likely to give way to false and unreasonable panic, or to fear dangers which do not exist; but that they are resolved to guard themselves against dangers which, if not immediately imminent, are possible. For my own part, I am convinced that if the Government and the House make an appeal to the people of the United Kingdom—if they show them what the dangers are to which they are possibly liable, and the value of that which they have to defend—if they call upon them for moderate exertion for the purpose of providing means of defence, I am satisfied they will not find substitutes running away from their colours; they will not find the population unable or unwilling to defend the country to which they belong; but you will have a force which, costing you comparatively little, will show to all the States of Europe, and to the world, that England is prepared, in case of need, to defend herself; and by adopting those wise precautions against invasion, you will take the surest steps to prevent it, and by those means you will secure that peace which we all value, and will maintain the Empire in that position of respect and dignity to which, on every account, it is so eminently entitled. Sir, I move to insert, after the word "amend," the words "and consolidate," and that the word "local" before the word "militia" be omitted.

Amendment proposed to be made to the Question, by inserting, after the word "amend," the words "and consoldate."

MR. MILNER GIBSON said, he would take the liberty of making a few remarks on this question, both on the Amendment of the noble Lord the Member for Tiverton (Viscount Palmerston), and on the proposition of the Government. And he must say, that he did not feel the necessity, in discussing a matter of detail of this sort, that there should be those appeals to the valour, and the gallantry, and the contempt of danger, which was said to pervade all classes of Her Majesty's subjects. He had no doubt it was so, but he did not think it necessary to go over that everlasting ground. He did not wish to be offensive, but what had been said reminded him of the Dialogue of the Thieves in the *Beggars' Opera*, who, when they met together, congratulated each other on their contempt of death, and their determination to stand by one another—and all the rest of it. He did not think that sort of commonplace reflected any light whatever on the question that they had to decide. He was one of those, as this was a matter of expenditure of public money, that regretted that there should be a necessity for applying any part of the existing surplus to the increase of our armaments. Looking at the position of this country, with its growing population, and the difficulty that there was in providing remunerative labour for portions of the labouring classes, it appeared to him it would be very desirable, if it were possible, to apply the surplus, as far as they could, to the repeal of such taxes as stood in the way of the employment of labour, and therefore stood in the way of the happiness and contentment of Her Majesty's subjects. The great security of nations was the contentment of the people; and therefore he contended it was wise policy, if they could, to apply the surplus to the repeal of such taxes as could be shown to prevent the employment of labour, and therefore to prevent the welfare of the working classes from being promoted. Now, he did not say that a case could not be made out for applying the surplus to the increase of the Army; but was that case made out? And if it was, were the forces to be increased in the way proposed by the noble Lord the Member for Tiverton, or in the way proposed by Her Majesty's Government. Not having a practical knowledge of such affairs, he approached the question with very considerable difficulty, when he saw so many great authorities at issue with one another. He thought from what they had heard to-night, that none of them had a very clear idea of the force that they wanted, or of the danger that that force was to guard against, especially when he connected the proposal with the speeches that were made the other evening when the proposition was first submitted. And now with regard to the danger they were called upon to guard against. They were to depart from a policy of thirty-seven years' duration; they were to do something which they had not done before, and therefore he contended they ought not to be satisfied with vague surmises, but that they should have special reasons for change of policy. The country were given to understand the other night by the noble Lord at the head of the Government, that they might be called upon to maintain the equilibrium among the nations of Europe, known under the term of the balance of power. The noble Lord the Member for Tiverton said they had political interests in all parts of the world which it was necessary for them to defend. Now, was that House prepared to give its sanction to the balance of power being maintained by an aggressive policy on the part of this country? Were they to give any importance to the speeches of the noble Lord the Member for Tiverton, or were they to pass them by as idle words? If they were not to pass them by as idle words, they were to understand that one of the reasons for an increased force was, that they might be called upon to be aggressive, to interfere in the affairs of

Europe; for they were told that they had been connected with the European system, and that it might be necessary for England to take the part that she took before, and by force of arms attempt to maintain the balance of power. Now he, for one, was not in favour of that policy. He disputed the policy of the balance of power, or the possibility of maintaining the different nations of Europe in the position, either in reference to territory or power, as they were settled at the time of the Congress of Vienna. He disputed both the policy and the practicability of maintaining this physical equilibrium among the nations of Europe. But he objected to these political interests that the noble Lord the Member for Tiverton had spoken of as existing in the different countries of the world. Was England to ally itself with political parties in the different countries of the world? Their political interests were within the shores of the United Kingdom, and when they stepped beyond it, and got into political interests elsewhere, then he said, if that was to be their policy, it did indeed behove them to have a large Army to carry that policy into effect. But he was against that policy. Whether parties in the different nations sympathised with us or not, he said, let us not interfere with the internal affairs of any country in Europe. He had a right to mention these subjects, because they were stated by the noble Lord the Member for Tiverton, and by the noble Lord at the head of the Government, as among the reasons why we should at this time add to our armaments. But, with regard to the increased armament, the noble Lord the Member for Tiverton was for a regular militia, and was not for a local militia; and he asked, were they afraid to trust the people of Ireland? They had been asked whether the people of Scotland would not have the valour to use the arms, if they gave them to them. The noble Lord asked if the people of Ireland were traitors, and the people of Scotland cowards. Why, if they were to arm the population, he did not know that it might not be wise policy to hesitate before they armed the population of Ireland. Hear the reasons. No man, for an instant, disputed that the people of Ireland would defend Ireland, or any portion of the United Kingdom, from the invasion of foreign enemies; no man questioned their loyalty to the Crown of this country; but there were many who did question their being satisfied with the institutions that existed in that country. Would they make him believe that a Roman Catholic people, with arms in their hands, would defend a Protestant Church? He did not think it would be prudent to rely on the militia to do that. He did not think they could rely on the local militia in Ireland to do the internal duty in that country if they were to be brought into collision in matters affecting deeply the religious feelings and interests of that country. He supposed the noble Lord the Member for Tiverton would tell them that if they had the regular militia, he would bring the Irish militia to England and send the English militia to Ireland. But if so, the noble Viscount had not much more confidence in the people of Ireland than Her Majesty's Government. But what said the right hon. Gentleman the Home Secretary with regard to the regular militia as opposed to the local militia? He said—and he (Mr. M. Gibson) thought with great force—the regular militia was an offensive force, that it meant that they wished to have the power of sending over the regular Army to the Continent for aggressive purposes, and therefore he was not prepared to support a regular militia as against the local militia. He agreed with the right hon. Gentleman the Secretary of State; he thought if they were to organise the regular militia in the way proposed by the noble Lord the Member for Tiverton, it would have the complexion of an offensive policy, and it would appear that England was preparing herself to interfere in the affairs of the Continent. He was surprised at the discrepancy of opinion as to what it was that was wanted at the present moment. The noble Lord at the head of the Government said he had consulted the Commander-in-Chief and the Master-General of the Ordnance; but he had not taken the advice of the Commander-in-Chief. He only mentioned this to show how completely the great authorities were at variance with each other. The Duke of Wellington said in a letter he published some time since, that he had constantly advised the Government to raise and embody a militia of the same numbers in the United Kingdom as during the past war, and that this would give a mass of organised force amounting to 150,000 men whom they might at once set to work to discipline; so that the Duke of Wellington was not an advocate for a peace establishment at all. He said they were to have an organised force of the same extent as they had in the war; and in the same letter he said there was no difference in the relative position of the two countries, except the simple one of peace and war. But he (Mr. M. Gibson) thought that was all the difference. He did not wish to run into any extremes in this matter. He should be sorry to say anything offensive, because he knew the impatience there was when Gentlemen with whom he acted ever used the word peace; but he hoped he should not be supposed to be asking too much if he might be permitted to hope that there was a possibility of peace. He considered that the possibility of peace was one that they ought to take into consideration. They were told that for thirty-seven years they had acted upon a particular policy, and that during that period peace had been maintained, and no special reasons which would not have applied to the whole of that period, could be found now why they should depart from the policy they had hitherto pursued, and which had hitherto been successful. Could it be shown that the absence of this militia during the last thirty-seven years had been attended with disastrous consequences? He must say it appeared to him it was incumbent on the Government to give them some special reasons when a large increase of force was demanded in this country. Now, he contended that there never was an instance when a large addition to the Army of this country was demanded by the Crown, that the Crown did not say in the Speech from the Throne that there were circumstances that required an addition to their Army in reference to their relations with foreign countries. But they were told that their relations were peaceful, and that in point of fact they were going to do nothing more than they ought to have done for thirty-seven years; and the noble Lord the Member for Tiverton had told them that during the period that he was connected with the Government he had been endeavouring to persuade the Government that the country was not safe in the absence of this militia force. Now, he (Mr. M. Gibson) had been always bound to understand that the safety of this country was best guarded by her Navy; and he remembered reading in the Report of the Committee that sat some two Sessions ago, that the force of this country ought not to be constituted in reference to England being required to pursue the military policy which prevailed during the last year, but ought to be constituted on the principle that the Navy was the right arm, and that the safety of the country depended upon it. But, he said, if they embodied their regular militia in this extraordinary way, and took pains to keep them embodied for long periods from time to time, they were going back to that policy that the Committee condemned—they were going back to the policy of England being a military Power, and prepared to interfere in the political arrangements of the Continent. If the noble Lord had said that some particular country was going to be attacked, and that England was bound by treaty to defend that country, and that therefore it was necessary to have a militia force in order to send the Army to defend that country, that would have been intelligible to him. But what said the noble Lord at the head of the Government? He only mentioned the case of Portugal, and it was a curious thing that the very country they were called upon to defend, was that very country that they were leaving to defend herself, for they had just called away their fleet from the Tagus. A short time ago, when he was at Lisbon, the Portuguese Government were selling their fleet by auction, and therefore if this country was bound to defend Portugal, they ought, instead of withdrawing their fleet, to have sent them more ships. He could not reconcile the practical conduct with the speeches of the leaders in that House, and he thought it was a reason why they might doubt the sincerity of the professions, when they found the actual practice of the Government so much at variance with them. If he were obliged to vote in favour of either proposition, he should infinitely prefer the proposition of the Government to that of the noble Lord the Member for Tiverton. He viewed the noble Lord's proposal as inviting this country to pursue an offensive policy; and he only regretted that the noble Lord at the head of the Government had thought it necessary to embody this local militia at all, no special reasons having been assigned either in that House or elsewhere for supposing that it was necessary for this country, at this time, to take extraordinary measures for the increase of its Army. He hoped that they would have something more conclusive before hon. Gentlemen were called upon to come to a final vote on this question. He did not know whether his hon. Friend the Member for Montrose (Mr. Hume) was about to take the sense of the House on the proposition of the Government at this time; but he supposed he would do so before the Bill had passed through all its stages. He hoped that they would have something more satisfactory in the way of explanation before such an important change was made in the policy of this country. He was gratified with the speech of the noble Lord at the head of the Government upon the Address; and although there had been sneers at what he said with regard to the peace party, and although his hon. Friend the Member for Middlesex (Mr. B. Osborne) took upon himself to throw some kind of sneer upon his (Mr. M. Gibson's) hon. Friend the Member for the West Riding (Mr. Cobden), for advocating the cause of peace, let him ask the hon. Gentleman was he prepared to stand up and say that peace was not the greatest of all national blessings; was he prepared to defend war as a benefit; and if not, why should he complain of those who advocated principles which could have no other tendency but the increase of friendliness in the relations between States, and to promote the cause of peace? Why, the noble Lord at the head of the Government, in the previous discussion on this subject, delivered a speech which might have been delivered at the Peace Society itself. He had heard expressions from the noble Lord on that occasion, which, if they had come from any of the party he (Mr. M. Gibson) belonged to, would have been treated with perfect scorn and indignation; but he was glad that those sentiments had had the authority of the head of the Government. The noble Lord said—

> "But, really to see some of the letters which have been published, and to hear some of the language that has been used, it would seem that these two great nations, so wealthy, so civilised, so enlightened, were going to butcher one another merely to see what would be the effect of percussion shells and needle guns."

Those were exactly the feelings expressed at meetings of the Peace Society; and he thought the expression of those feelings did good. Now, before he sat down, he desired to say that he did not wish to go into extremes. He did not say that men were not to have physical force to repel an invasion. All that he said was, that they must not look to possibilities when they were called upon to increase their forces; they must look to moral probabilities. And when he considered that confidence had been placed for a long series of years in those who had had the administration of this country; when he knew that the money which the Duke of Wellington had asked from Parliament for the defence of the country had been granted; when he knew that these men had had the control of large sums of money, to the extent of 16,000,000*l.*, or 17,000,000*l.* a year, he had great difficulty in persuading himself that it was possible in the very nature of things that these men, having the most valuable interests to defend, could have left the country defenceless. He could not believe that the country was defenceless. On the contrary, he believed that the money that was spent, was far more than enough to give adequate defence; and he would not be a party to pass so grave a censure upon all those who had had the defence of this country entrusted to them, to say that they had utterly neglected it; and that we found ourselves, after thirty-seven years of peace, in a defenceless condition. He could not bring himself to such a conclusion; but he could easily perceive that men might endeavour for party purposes to get up panics by writing in newspapers and by other means; and after a short time had passed away, he could also imagine the Minister of the day might find it difficult, and against his own political interest, to take a firm stand against it, and that he was unable altogether to resist appeals of that kind. It was his firm belief at the present moment that the panic, if there was one, was not founded upon any well-reasoned ground, and that it had been got up by parties for political purposes. If there was one question more than another in that House that had been used for party purposes it was the question of the defences of the country; and if they looked back into *Hansard's Debates*, they would find repeated instances of charges of neglecting the defences of the country. There never was a time when those who were out of office did not say that those who were in office neglected the defences of the country. He wished the noble Lord at the head of the Government had taken a firm stand against this sort of appeal; and he hoped that their legislation on the subject would not be construed by foreign countries into any feeling on the part of this country that we were about to depart from what he believed was the most sound, safe, and constitutional policy, namely, that of non-intervention in the affairs of other countries.

Lord JOHN RUSSELL: Sir, I can very well understand the course taken by my right hon. Friend who has just spoken. He and the hon. Member for Montrose

(Mr. Hume) conceive that this country is sufficiently defended by its naval force. Now in no distrust of the efficiency of that naval force, or of the gallantry of that arm of our defensive establishment, I do not think it prudent to rest all the hopes of England entirely on the means of defence which a naval force may afford; not doubting that whatever enemy our Navy has to meet will be met with the usual bravery and the usual success, but always considering that the state of the elements or the movements of the enemy may be such as to give no opportunity of meeting before the shores of this country are invaded. I cannot, therefore, now, any more than in 1848, express an opinion that it is wise to trust to a sufficient naval force, and not to have a sufficient military defence on our own shores. We have, then, the Army, which no doubt produces, according to its numbers, and in proportion to its numbers, a manly and an efficient force, but in not sufficient numbers, considering the wide extent of coast; at any point of which we may be threatened. On this point then I entirely differ from the principles of the right hon. Gentleman (Mr. M. Gibson). I will not enter into the question with regard to the balance of power any further than to say that it resolves itself ultimately into a question of national independence. If, in spite of the declaration annually made in the Mutiny Act of our desire to maintain the balance of power, we should resolve to stand tamely by and allow the other Powers of Europe to pursue their own course uncontrolled, we might enjoy an ignoble quiet for a time, but we should finally find ourselves isolated, and obliged to defend ourselves under the most disadvantageous circumstances. But although I understand the position of my right hon. Friend in opposing any increase of force, I confess I do not understand the position of the noble Lord the Member for Tiverton (Viscount Palmerston), because he comes forward in a most unusual way, not to dispute the second reading of a Bill, not to point out the difficulties of the plan proposed, but to say—" You, the Ministers of the Crown, shall not lay your plan before the House; you shall be debarred from placing this Bill upon the table; you shall not take the Bill which you have considered, which you have thought best; you shall take another Bill of my concoction, of which I will not tell you the clauses, but leave you to find out the provision that will suit my purpose." I say, never was such a demand made. Of course I cannot comply with that request—it would be most absurd in me to attempt it. Even supposing I intended to follow all the injunctions I have received from the noble Lord, he might turn round and say, " This is not the Bill I intended; the clauses are quite different; you must bring in another Bill, more agreeable to my views." With respect to the difference between us, that difference mainly consists in a point which the noble Lord has altogether omitted, on which he has refrained entirely to touch. The question is, and on that point we are agreed, to obtain a force which shall be sufficient in numbers, with sufficient training to be enabled to act, which shall be removable in case of danger from one part of the United Kingdom to another, and which can be kept up for a certain time after the commencement of a war. But then occurs the difficulty. According to the plan, as I understand it, of the noble Lord, he wishes to have a regular militia balloted for, and if in the course of the present year a war should unfortunately break out, immediately embodied and obliged to serve for five years. Now, that is, of course, a very different demand on the people of this country from that of making a demand upon them to appear for twenty-eight days in time of peace, and to be bound to serve six or perhaps twelve months in time of war. And then comes the question which the noble Lord will not discuss, which lies at the bottom of all the difference between us—the question of substitutes. Will you say you will have no substitutes? Will you oblige these men who have been balloted to serve during those five years of war? I am convinced if you proclaim to the country you are about to make a ballot of militia, and oblige those drawn to serve for five years as soldiers, whatever their condition in life may be, that measure will be so unpopular that there will be the greatest difficulty in carrying any such Bill into operation. Another course—and it is a completely opposite one—is not to have balloted men, but to take substitutes; and that is a very easy course, no doubt; for if you offer 30*s.*—still more if you offer 5*l.* or 6*l.*—bounty, there will be a great number of substitutes offering, who will be trained for the twenty-eight days during the present year. But observe the difference between substitutes under our plan, and those under the plan of the noble Lord, in time of war and in time of peace. When you have accepted a substitute in time of war, he will be placed at once in the embodied militia, kept in the ranks, and bound not to desert by all the penalties of the Mutiny Act. But in time of peace, if you offer *5l.* for a substitute in the county of Kent, or any other county, many a man will come forward for twenty-eight days and take that bounty. Supposing, in the year 1852, at the end of twenty-eight days' training, you discharge the substitute, who will tell me that in 1853 that man will come back without bounty, he being engaged perhaps in some distant part of the country, and receiving good wages? It seems to me you are placed in this dilemma: you must either make a law which is efficient but very oppressive, and thereby not easily carried into operation; or you must make a law which is not oppressive, but very costly and very inefficient. If in one case you have balloted men, you will secure them; be they farmers, gentlemen's sons, merchants' sons, mechanics, or whatever class of life, if you make them serve in the ranks you will have an efficient force; but it will be considered a hardship, to which men will not easily submit. If you take the other course, and have substitutes for money, there will be no security that the substitutes in time of peace will be again forthcoming in time of war. I do not give these arguments as conclusive on this subject. I wish the House to weigh them deliberately. If, notwithstanding the objections I have urged, the House conceives the noble Lord's plan to be the best, I advise them to adopt it, and alter that which I have proposed; but what I ask —and I think it is not an extravagant demand—is, that we, the Ministers of the Crown, having for many weeks considered this question most attentively, and having, among other plans, investigated one which the noble Lord was good enough to favour me with, some months back, and come to the conclusion that our plan is the best, and the least liable to objection, should be allowed to introduce it. I do not know whether we have come to a right conclusion; but that being so, is it right, will it be expedient, would it be fair for this House to say, "You shall not produce your plan; you shall have no opportunity of laying that Bill before the House?" Of course, if you should so decide, if you should decide to leave out the word "local," because the question of "consolidating" will not test the sense of the House—the word "consolidate" being quite in accordance with the Bill we shall bring in—if you should decide to leave out the word "local," all I can say is, I shall leave it to Mr. Bernal and the noble Lord the Member for Tiverton to bring in a Bill which will satisfy the House, but certainly I shall be no party to it.

MR. DISRAELI: Sir, the noble Lord at the head of the Government has favoured us with a most extraordinary speech. The noble Lord proposes to introduce a measure, into the details of which he has amply entered, founded on a principle which another Member of the House thinks essentially vicious. If the principle is vicious, it follows of course that it will only be a loss of time for us to consider the details resulting from that vicious or erroneous principle with which the noble Lord has favoured us. The noble Lord seems to think that if the House of Commons considers the principle of the Bill so essentially vicious, and that it is totally impossible that its details can be beneficially changed, it is not open to us to question the propriety of the Government introducing such a measure. The noble Lord adopts this tone—he says that it is unparliamentary and unconstitutional, if a Minister brings in a measure founded on a vicious principle, for us to oppose its introduction. I believe that I have not misrepresented the noble Lord. [Lord JOHN RUSSELL: You have quite misunderstood me.] The noble Lord says that I have quite misunderstood him, but I certainly think that I have not misrepresented him. Now, I ask the House just to consider exactly how we are placed with respect to the question before us. It is now four or five years since the Government of which the noble Lord is the chief, announced to the House that they were about to bring forward a measure on the subject of the militia. The noble Lord, however, neither brought forward the Bill, nor favoured the House with the details of the measure which he intended to bring forward. Now, I should like to have known from the noble Lord whether the project which he intended to bring forward on the present occasion was a project for the regular or for the local militia? We have not been favoured with information upon that point, which is really interesting. But it is quite clear from the circumstances under which that measure was announced—at a period, it will be remembered, when we had no anticipation of those revolutions on the Continent, or any of those alarming circumstances which we have more recently experienced—I say it is quite clear that the Government were of opinion that as a general principle, and with reference to circumstances of a lasting character, our means of defence were not so efficient as they ought to be. Therefore, in dealing with any measure of this kind we need not consider it with reference to the important transactions which have subsequently occurred. We have the advantage of deliberating upon and considering it with reference solely to the consideration whether this country is in that position of self-defence which every great country ought to be. With respect to the necessity of some measure, it would appear that, with rare exceptions, almost all are agreed. What we have to decide is, what is the most efficient plan on which our domestic garrison may be formed? The Government, after four years' consideration of the question which they had previously introduced to our notice, and after the occurrences which have taken place in that lapse of time—occurrences which no one, taking even the most peaceful view of human affairs, or the most charitable view of human character, can pretend have rendered our position less exigent—the Government having again brought the subject under our notice, I say that we have a right to consider, in the first place, what is the most effective way in which this self-defence shall be provided. What we have to deal with at present is the principle of a measure. The details which the noble Lord originally favoured us with, and which he recapitulated to-night in a manner rather unusual, have, in the meantime, nothing to do with the question. The details to which the noble Lord referred are points which no doubt we shall be able to enter upon with effect when the Bill goes into Committee. But if it is the opinion of the House that the Bill of the Government is founded upon a principle which cannot lead to the result which the House desires to accomplish—if, in fact, the Government having announced a measure four years ago with great hesitation, and having now, after the occurrence in the course of those four years of events of great importance, not had the courage to bring forward an efficient measure, but one of a hesitating and unsatisfactory character—I think it is the duty of the House, at this stage of the business, to express, in a manner not to be mistaken, their opinion of the principle upon which it is founded. And when the First Minister tells us that if we assent to the Amendment of the noble Lord the Member for Tiverton he will throw upon the noble Lord and the Chairmen of our Committees the responsibility of bringing forward the Bill, I must say that I think that it is a tone which the noble Lord ought not to adopt. The noble Lord, I think, too often shows a readiness to influence by menace the decisions of this House. I put the question merely in this way: If it be the opinion of this House that the principle upon which the Government measure is founded is not a correct one, and that the principle which is expressed in the Amendment of the noble Lord the Member for Tiverton is, on the contrary, the one which ought to be adopted, is this, or is it not, a legitimate occasion to express that opinion? If it be a legitimate occasion to express that opinion, I cannot doubt that the House will not shrink from fulfilling that duty, and that the threat of the First Minister will not deter us from laying down the sound principle upon which we think the means of national defence should be established in this country.

Sir GEORGE GREY said, he was sure the hon. Gentleman who had just addressed the House had perfectly misunderstood the argument of his (Sir G. Grey's) noble Friend; for if he had not perfectly misunderstood it, it was impossible he could have put such a construction upon it as he appeared to have done. His noble Friend had never uttered an expression which intimated that the House were not perfectly competent at any stage of a Bill of expressing their opinion upon the policy of any measure submitted by Her Majesty's Government. His noble Friend did not say that the House was not perfectly entitled now to refuse their assent to the question which would be put from the Chair, that leave be given to bring in a Bill founded upon the principle and embodying the details which the noble Lord had submitted to the House on Monday night. The House had a perfect right, and the noble Lord the Member for Tiverton (Viscount Palmerston) had a perfect right, to dissent from that question; and if a majority of the House should unite in refusing their assent to the Government being allowed to introduce their Bill, it would be open to any Member charged with the responsibility of that refusal to prepare such a measure as might be thought more suited to the circumstances of the country. But that was not the course which had been taken by the noble Lord the Member for Tiverton. The noble Lord did not propose that they should disagree with the Resolution of the Committee. He did not propose that leave should now be directly refused to bring in the Bill which had been prepared by the Government, and which the Government were ready to present to the House, and embodying the details which they thought necessary to carry into effect the important object of national defence. But what the noble Lord did was this—he said, "You shall obtain leave to introduce a Bill, but not the Bill which you think ought to be prepared; you shall have leave only to introduce a Bill upon a different principle, and embodying different details from those which you have declared to be necessary." Now, this was a course to which the Government could not agree. The Government had a Bill prepared, and, if the Resolution of the Committee of the whole House was affirmed, they were ready to lay that Bill before the House; and, if any hon. Members had amendments to move upon that Bill, those amendments could be proposed at a later stage when the Bill was before them. But the noble Lord adopted the unusual course, not of meeting the proposal of the Government with a direct negative, but, of attempting to impose upon the Government the obligation of bringing in a Bill different from that which they had prepared. The noble Lord the Member for Tiverton had said that what was wanted was a regularly trained, armed, disciplined, and organised force, ready to be called out for the defence of the country at a short notice. If the noble Lord would wait till the Bill of Her Majesty's Government was laid on the table of the House, he thought he would find every one of the objects he had stated would be sufficiently accomplished by that measure. But the noble Lord objected to a local militia, because the Local Militia Acts were deficient in certain points, upon which he dwelt at considerable length, and which he seemed to think were insuperable objections. The fact was, however, that the Bill of the Government was directed to the removal of the very defects which had been pointed out by the noble Lord. The Government had thought it their duty, on looking to what was necessary for the defence of the country, to introduce for that purpose a measure which, while it would be efficient in its operation, would be the least burdensome to the people, would bear with the least pressure upon the finances of the country, and would least interfere with the regular industry and employment of the people. But it was important that the House should understand what was meant by this demand for a regular militia. He (Sir G. Grey) thought the House had a right to call upon the noble Lord (Viscount Palmerston) and those who supported him to state distinctly what they meant by that—whether they desired that a regularly embodied militia should be established, or only that there should be an amendment of the Militia Acts, enabling the Government, in the event of a war, to embody such a militia. The right hon. Gentleman the Member for South Wiltshire (Mr. S. Herbert), in pointing out the other night the inconveniences which would arise from the employment of the local militia at a period when negotiations might be in a critical state between this and a foreign country, clearly contemplated the embodying of a regular militia, liable to be drawn by ballot, to serve either in person or by substitute, not five years, as had been said, but for seven years, and to be embodied in regiments like the Army in time of peace, with the exception that they were not to be sent to any of our Colonies, nor to any other parts beyond the United Kingdom. Now, there was an essential difference between that proposal and the measure of the Government—a difference which he thought the House would do well to bear in mind before they came to a vote upon this subject. He thought such a proposal to be unnecessary in the present circumstances of the country. He believed that not only would the expense of such a proposal be greater than that of raising an equal number of men for the regular Army, but the force would be far less efficient. A great deal had been said about leaving Ireland out of the Bill; but no one could believe, and, least of all, the noble Lord the Member for Tiverton, that the Government had done this because they distrusted the loyalty of the people of Ireland, when it was remembered that a very large proportion of the British Army was recruited from that country; and that they had carried the fame of England to the most distant parts of the world, and had always been conspicuous for their gallant achievements in the field. But he begged to remind the noble Lord, who had called for a general Bill for the United Kingdom, with a view to the embodiment of a regular militia by ballot, that there never had been such an Act in force for the whole Kingdom; that there had always been separate Bills for the three Kingdoms; and that in Ireland the ballot had never been enforced. He would only say that if the House gave the Government leave to introduce their Bill, they would find that it was calculated to effect the objects considered essential by the noble Lord. The right hon. Gentleman the Member for Manchester (Mr. M. Gibson) had said that he (Sir G. Grey) had spoken of the regular militia as an "offensive force." Now it was true that there was an important difference between the local and the regular militia. The local militia was a purely defensive force, liable only to be called away from home in case of an actual or threatened invasion; while the regular militia might be called out in time of peace as well as of war, and might be used to set free a certain number of the regular Army, and, to that extent, it might be called an offensive force. The Government had no anticipations at present that war would arise, and they trusted that no such occurrences were likely to happen. Still they thought it prudent to be prepared to resist foreign aggression, and they, therefore, asked the House for leave to bring in a Bill to place the defences of the Kingdom on a more satisfactory footing.

Mr. DEEDES said, that the right hon. Gentleman who had just sat down had told the House that the Government had thought it expedient, from certain circumstances, to place the country in a position to resist foreign aggression. He (Mr. Deedes) believed that that sentiment was generally participated in by the Members of that House, with the exception of a few, among whom he might rank the right hon. Gentleman the Member for Manchester (Mr. M. Gibson), although he very much doubted whether the right hon. Gentleman would much advance the contentment and the happiness of the lower orders of the people by not having ready, in the event of a foreign aggression, a sufficient force with which to preserve their contentment and happiness. The noble Lord the Member for Tiverton (Viscount Palmerston), in introducing his views on the subject, had said that his possessions in the county of Sligo might possibly be endangered in the event of a foreign aggression; and he (Mr. Deedes) thought it would be conceded to him that, representing as he did a frontier county (Kent), and having nothing but his possessions in that county (which, though small, were dear to him) to depend upon, he was entitled to state in a few words the opinion he entertained upon this important matter; and, in the first place, he begged to say that it certainly had struck him forcibly that the noble Lord at the head of the Government, in introducing the measure, although he alluded to the circumstances under which he brought forward the measure of 1848, and pointed out the difference between the state of affairs then and now, yet seemed to labour under some incubus which prevented his stating what he wished to see carried out under existing circumstances. Now, for his part, he felt that if it were necessary to raise a force for a particular emergency, the sooner that force was put into an efficient state the better would it be both for those who would form part of the force, and those who were to pay for the formation of it. The noble Lord had told them the Government desired to render the training of the force as little onerous to the individuals as possible; and he told them that with this view they would be called upon to serve only twenty-eight days in the first year, and fourteen days in the subsequent years of their enrolment; and he even said that three hours and a half should be counted half a day, and that, in fact, the training should be done at the times most convenient for them.

Sir GEORGE GREY said, that it was proposed to make the law in that respect the same as it was in the Militia Act now.

Mr. DEEDES said, that might be so; but he wished, if the Government were not to originate anything anew, that they should at least improve what they found, and make it as efficient as possible. What he said was, that if it was necessary to place the country in a state of defence—for he wished to go no further than that—he was no advocate for aggression, it was madness in us in the present state of things to sit still till the enemy was at our doors. He had no wish to see a foreign general in his house, except upon his invitation. If any attempt at aggression was made, we ought to be in a state to offer the most efficient opposition; and he saw no reasonable hope that the local militia contemplated by the Government could within a moderate time be placed in anything like an efficient state, and, believing that by leaving out the word "local" the Government would get rid of many difficulties, he should support the Amendment of the noble Lord the Member for Tiverton.

MR. HUME did not recollect, long as as he had been in Parliament, an attempt being made before, when a majority of that House had clearly demonstrated their wish that Her Majesty's Ministers should bring in a Bill, to prevent them from doing so. He did not, however, speak in favour of the measure, for he was opposed to it; but he thought it was not fair to the Government to take the course which had been adopted. With respect to the measure itself, he had already stated his opinion, and he should at the proper time take the sense of the House upon it. Whether substitutes should be allowed or not, was a matter of trifling detail. The noble Lord (Viscount Palmerston) had agreed to the propriety of having all the Militia Acts consolidated; and, where the principle was the same, it was most unusual for any Member to oppose the Government bringing in a Bill. He should vote with the Government, thinking it only fair play that they should have the opportunity of bringing in their measure. He would not stultify the Resolution of the Committee. Let the noble Lord wait till he saw the details of the Bill, and then propose his Amendment. The noble Lord admitted that danger, if not probable, was possible; therefore his principle did not at all justify his Motion. But had he given them any idea what the danger was, or shown that there was any? From the speeches of both noble Lords, it might be supposed that we had actually no defence, and might be overrun at any moment by a force of 20,000 foreign soldiers. For the last forty years 15,000,000*l.* or 16,000,000*l.* a year had been voted towards the defence of the country; till recently we were told that the country was never in a better state of defence; and all at once it was said we had no defence. What was the real fact? At this moment we had under pay 239,000 men. A document on the table of the House showed that there were in this country 150,000 men in arms, and 45,000 in the colonies—a greater amount of armed force than we ever had before. He would state of what this force consisted. There were upwards of 98,000 regular cavalry and infantry, exclusive of 25,000 in the pay and employment of the East India Company, 11,347 artillery; 13,600 yeomanry cavalry. [*Laughter.*] He hoped they were as good as a local militia, with fourteen or twenty-eight days' training. Hon. Gentlemen might laugh; but the yeomanry had held their heads very high in that House. There were 1,870 sappers and miners; 15,124 enrolled pensioners—a force which he held to be far superior to any militia, regular or local, and which, commanded by bold and experienced officers, would be as good as any troops they could possibly enrol. The royal marines he put down at 11,621, there were 9,000 or 10,000 belonging to the staff of the militia; and the dockyard battalions, better disciplined than any militia could be to great guns and small arms. There were 12,000 police in Ireland, equal certainly to any militia they could have. Thus there were 195,000 men paid at this moment, drilled, ready in case of an emergency; and who dared say we were unprepared? Gentlemen seemed to have been frighted from their propriety by idle rumours. There certainly was some excuse for the hon. Gentleman who spoke last, as he lived near Dovor. He deprecated statements of this nature, which were in effect throwing out a defiance to a country with whom we ought to be at peace, and alarmed those in this country who knew no better. If justice were done to the colonies, most of the colonial garrisons might be withdrawn, and thus our means of defence might be considerably increased. With 150,000 men in arms in this country, besides 39,000 seamen and 130 ships of war, of which 100 at least might be on our shores, who would say that there was any great fear of invasion? The noble Lord (Viscount Palmerston) said that in fourteen days a strong force might be landed. He (Mr. Hume) denied the possibility; the noble Lord ought to know better. He had been long enough at the head of the Foreign Department to know everything that was going on. Did he believe that France could prepare an army to invade this country without his having some intimation of what was going on? We were well prepared—better prepared than England ever was before—to repel such an attack. He should like to know if the noble Lord the Member for Tiverton was ready to join such a body as the Holy Alliance, merely from fear of invasion, and impose on us one more an enormous debt? ["Divide, divide!"] It was easy for hon. Members to cry "Divide;" but he begged to remind the House that, if they hastily ran into such extravagance as had been shadowed forth by the noble Lord the

Member for Tiverton, the time would come when they would regret the course they had taken, and they would find as a consequence that their uncalled-for expenditure stood in the way of useful and indispensable measures of improvement for the benefit of the country.

Mr. SIDNEY HERBERT said, the right hon. Secretary for the Home Department had misunderstood the observations which he (Mr. S. Herbert) had made on a previous evening. He did not argue for the permanent embodiment of the militia. The question which alone they had now to decide, had nothing to do with that. The question was, whether, when a reform of the Militia Laws was contemplated, we should reform the whole substance of those laws, or only that which happened to be an excrescence and an addition. The noble Lord at the head of the Government said he was willing to accept amendments upon his proposition; but the moment an amendment was offered, the noble Lord repudiated it, and said, "If you choose to make alterations, you must take the whole responsibility of the measure upon yourselves." [Lord John Russell: No, no!] He (Mr. S. Herbert) would not willingly misrepresent the noble Lord; but he apprehended that the noble Lord was arguing upon a proposal, of which he was cognisant, and of which the House was ignorant, which had possibly been made in private by the noble Lord the Member for Tiverton. Of that the House knew nothing. They merely saw what the noble Lord had proposed on the one hand, and on the other the Amendment of the noble Member for Tiverton. That Amendment did not propose to confine the Bill to the calling out of the general militia; it did not substitute "general" for "local;" it merely proposed to omit the word "local," which did confine the operations of the Bill. Now, in dealing with a subject like this, they should not take an exceptional but a general view of the whole question. The noble Lord said, there were many evils connected with the general militia; and he expatiated with great truth on the inconveniences resulting from the system of ballot and substitutes; but he said that, besides this local militia which I propose to give you, you may have a general militia too. Well, if this general militia is to be had in addition to the local, do let us clear away the evils and inconveniences which attach to such a system, which are now to be left as bad as ever, and which we shall have in addition to any inconveniences which may result from the local militia. If the noble Lord intended to deal with the general militia likewise, why did he not adopt the Amendment of the noble Lord the Member for Tiverton, which clears the ground, opens the way, gives him a larger scope on which to work, and enables him to deal with the laws upon a simple and intelligible basis. He (Mr. S. Herbert) founded his whole argument the other night, not upon the advantages for embodying, but for training the militia, upon the convenience that would often be felt in training men in adjoining counties, where the local militia might not be sufficiently numerous to constitute a body that could be effectually trained by itself; and that when there was an expectation of a war, it would be a great advantage to be able to move the militia from one county to another, without, in the first instance, having to embody them. After admitting that there were great inconveniences attaching to the Militia Laws, and expressing his desire to remedy them, he (Mr. S. Herbert) could not understand why the noble Lord, whilst consenting to insert the word "consolidated," refused to omit the word "local." The field would then be left more open, and the House of Commons would have a better opportunity of dealing with the question.

Lord JOHN RUSSELL said, the right hon. Gentleman must have completely misunderstood him. He (Lord J. Russell) had said that there was a Bill ready upon this subject, and if the principle of that Bill were adopted, it would be necessary to bring in another Bill afterwards with respect to the general militia. But with regard to the measure respecting the local militia, they had that measure ready, whereas the other Bill had never been considered in detail. It would take weeks, perhaps months, to consider it, and therefore he had asked leave to bring in this Bill, reserving to himself power to bring in the other one at a future period.

Colonel THOMPSON said, with respect to the danger which was at the bottom of the present question, he was disposed to be of the opinion of the "Babe in the Wood" who says, "Kill him again Walter, such a villain can't be too dead." If he were to speak till midnight, he could not better explain the reasons for his vote. He must vote with the noble Lord below the gangway, because he went the furthest. It had been his chance to be off

Boulogne in 1804, when the French Admiral Villeneuve ought to have let out the French flotilla and did not; and he remembered the rueful looks they used to direct to the westward at daybreak, expecting to see twenty or thirty sail of the line coming up the Channel, when to the best of their belief there were not above ten or twelve in the eastern waters to oppose to them. In those days the worth of the regular militia was felt, and everybody knew it to be a most formidable force; while all he could recollect of the local militia, without meaning to speak slightingly of anybody, was that nobody knew where it was. There were laws of old standing for the regular militia, which might do very well with such touches of alteration as the lapse of time might make necessary. But the local militia was never of any value except as an embryo force; and it was anything but an embryo force with which there was a possibility of coming in contact. On the contrary it was a force of 400,000 men, in the highest possible state of discipline and equipment. He could not agree with a much valued friend on the same benches, that no French officers would be found to lead this force against us, without a declaration of war. There was not an officer nor a Frenchman that would dare to refuse; and it was matter of notoriety that one of the most eminent of the French generals, no long time ago, had offered himself to try the issue of a point on London. The French had also avowed the ground on which they should dispense with a declaration of war. Our fathers ate sour grapes, and the teeth of the children are set on edge. That subject was a painful one, and there was no necessity to be more explicit. On the whole, he was for making the greatest possible preparation, always hoping that we should be disappointed by having no enemy to meet.

Mr. FOX MAULE said, he could not let the opportunity pass without making some allusion to the difference between the principles involved in the two proposals before the House. The object which the Government had in view was the introduction of a Bill for amending the laws with respect to the local militia, which should have the effect of providing for this country at the cheapest rate, and in a manner the least burdensome to the people of this country, a force which could most speedily be at the disposal of the Government to protect these shores in case of any threatened or actual invasion. For the last four or five years that had been the principle to which the attention of the Government was directed, namely, the establishment of a force, similarly constituted to the local militia of former days, in which a large proportion of the population should be trained to the use of arms, at a moderate distance from their places of residence, forming in every part of the country a respectable force for the defence of each locality. It might be all very well to disparage the local militia—or hon. Gentlemen who disliked that name might call it an army of reserve if they pleased—but it was a branch of the service composed of men in their own localities, and the object of the Government was to interfere as little as possible with the usual avocations of those people. But the regular militia was a totally different thing; and he was as distinctly opposed to having the regular militia in a time of peace as he would be to the addition of 50,000 men to our standing Army. Perhaps hon. Gentlemen did not know what the compulsory powers of the Militia Act were. They compelled a man to serve either by ballot or substitute, rendered him liable to be taken from his family, and carried to any part of the United Kingdom, destroying, it might be, all his settlements in life, and interrupting his usual employment for seven years. It might be that he was called out in the year in which he was drawn; and every precaution might be taken to secure that the man should be single and without incumbrance. Well, he was drilled for twenty-eight days of the year in which he was drawn, and then returned home. Was he married meantime, then, perhaps, the next year he was embodied, and left his wife and perhaps a family behind chargeable to the parish. How would the country gentlemen like to find themselves chargeable with all the expense of maintaining the wives and families of a militia which was made to serve as an embodied force in any part of England, Scotland, or Ireland? Such a course, he asserted, should only be resorted to during a time of urgent necessity in war. But suppose you take the alternative of serving by substitutes, where would the substitute be after having served the first twenty-eight days at drill? Where would he be next year? His noble Friend (Viscount Palmerston) said all England was not composed of cheats, and they were not to suppose that the men who were substitutes would not be honest enough to reappear to fulfil their bargain. He (Mr. F. Maule) did not fancy that all England was composed of cheats, but he had his opinion, that the persons purchased to serve as substitutes were very great cheats, and in composing a militia in time of peace of substitutes, they would be training to arms the lowest scum of the population. To be sure, if embodied in the time of war, and taken into barracks, and subject to constant duty under all the restraints of the Mutiny Act, these men might be made as good soldiers as any, probably; but if they took substitutes in time of peace, they would get a class of persons who ought not to be trusted with the use of arms, and whose services could not be obtained when they were wanted. He wished to see established a force—call it by any name you please—which should be trained for so many days in each year, which should by degrees amount to a large and extensive force, which might, like the yeomanry, with a very trifling drill, be made effective for all purposes to which raw levies could be put. Such a force, too, would lay a foundation for the continual increase of our regular Army, in the case of any war breaking out. If we had 120,000 men thus drilled to the use of arms, and paraded with a military spirit, it would only depend upon the amount of bounty which we chose to offer, whether we could not get many thousands of them to join the regular Army, or the general militia, when it might be found necessary to extend either the one or the other. The Local Militia Act was never extended to Ireland. Such was the objection to the system of the ballot, as applied to Ireland, that it had never been put in force in that country. But there would be no difficulty or hesitation in adopting the same system of arming the population of that country for the protection of its shores by a volunteer corps, as was adopted at a former period. He would say to hon. Gentlemen, Beware how, in a time of peace, without absolute necessity, you give any Government the power of embodying a regular militia. They will find a burden hanging round their necks infinitely heavier than they will be inclined to bear; and if they do impose upon the people of this country the obligation of a regular militia service in a time of peace, they will commit one of the most unpopular acts that ever was undertaken by any House of Commons.

MR. CHARTERIS said, he intended to vote with the Government, because he had heard nothing in the course of the discussion which led him to believe he should be justified in voting in a manner which should prevent the Government from bringing in this Bill. That would be a most unusual course. After the Bill was brought in, the responsibility of the measure would rest with the Government, and the House might then either reject or amend it.

Question, "That the words 'and consolidate' be there inserted," put, and *agreed to.*

Another Amendment proposed to be made to the Question, by leaving out the word "local."

Question put, "That the word 'local' stand part of the Question."

The House *divided:*—Ayes 125; Noes 136: Majority 11.

List of the AYES.

Adair, R. A. S.
Alcock, T.
Anson, hon. G.
Armstrong, Sir A.
Baines, rt. hon. M. T.
Baring, rt. hon. Sir F.T.
Barrington, Visct.
Bass, M. T.
Bellew, R. M.
Berkeley, Adm.
Berkeley, C. L. G.
Bernal, R.
Bethell, R.
Birch, Sir T. B.
Blackstone, W. S.
Blewitt, R. J.
Bouverie, hon. E. P.
Boyle, hon. Col.
Brocklehurst, J.
Brockman, E. D.
Brotherton, J.
Brown, W.
Charteris, hon. F.
Clay, J.
Clay, Sir W.
Cockburn, Sir A. J. E.
Colebrooke, Sir T. E.
Cowper, hon. W. F.
Craig, Sir W. G.
Crawford, W. S.
Crowder, R. B.
Dawes, E.
Divett, E.
Duff, J.
Duncan, G.
Dundas, rt. hon. Sir D.
Evans, Sir De L.
Evans, J.
Evans, W.
Ewart, W.
Fergus, J.
Fitzroy, hon. H.
Foley, J. H. H.
Fordyce, A. D.
Forster, M.
Fortescue, C.
Fox, W. J.
Geach, C.
Gibson, rt. hon. T. M.
Greene, T.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Lord R.
Hall, Sir B.
Hanmer, Sir J.
Harcourt, G. G.
Harris, R.
Hastie, A.
Hastie, A.
Hatchell, rt. hon. J.
Hindley, C.
Howard, Lord E.
Howard, P. H.
Hume, J.
Hutt, W.
Johnstone, Sir J.
Kershaw, J.
Labouchere, rt. hon. H.
Lewis, G. C.
Lygon, hon. Gen.
Matheson, A.
Matheson, Col.
Maule, rt. hon. F.
Milligan, R.
Milner, W. M. E.
Mitchell, T. A.
Mostyn, hon. E. M. L.
Mowatt, F.
Norreys, Lord
Owen, Sir J.
Paget, Lord C.
Parker, J.
Peel, F.
Pigott, F.
Pilkington, J.
Plowden, W. H. C.
Power, Dr.
Power, N.
Price, Sir R.
Rice, E. R.
Rich, H.
Romilly, C.
Russell, Lord J.
Salwey, Col.
Scholefield, W.
Scobell, Capt.
Scrope, G. P.
Seymour, H. D.

Seymour, Lord
Shafto, R. D.
Smith, rt. hon. R. V.
Smith, J. A.
Somerville, rt. hon. Sir W.
Stanton, W. H.
Staunton, Sir G. T.
Strickland, Sir G.
Strutt, rt. hon. E.
Stewart, A.
Stuart, Lord D.
Stuart, Lord J.
Thicknesse, R. A.
Thornely, T.
Trelawny, J. S.
Tufnell, rt. hon. H.
Vane, Lord H.
Verney, Sir H.
Vivian, J. H.
Wakley, T.
Wall, C. B.
Walmsley, Sir J.
Walter, J.
Williams, J.
Wilson, J.
Wood, rt. hon. Sir C.
Wood, Sir W. P.

TELLERS.

Hayter, W. G.
Hill, Lord M.

List of the Noes.

Adderley, C. B.
Anstey, T. C.
Archdall, Capt. M.
Arkwright, G.
Baillie, H. J.
Baldock, E. H.
Barrow, W. H.
Beresford, W.
Blake, M. J.
Boldero, H. G.
Booker, T. W.
Booth, Sir R. G.
Bowles, Adm.
Bremridge, R.
Brisco, M.
Bruce, C. L. C.
Buck, L. W.
Buller, Sir J. Y.
Burghley, Lord
Campbell, hon. W.
Christopher, R. A.
Christy, S.
Clive, hon. R. H.
Clive, H. B.
Cobbold, J. C.
Cocks, T. S.
Coles, H. B.
Collins, T.
Compton, H. C.
Cunolly, T.
Corry, rt. hon. H. L.
Cobitt, Ald.
Davies, D. A. S.
Diedes, W.
Dsraeli, B.
Dod, J. W.
Drumlanrig, Visct.
Drummond, H.
Duncombe, hon. A.
Duncombe, hon. W. E.
Duncuft, J.
Du Pre, C. G.
Edwards, H.
Egerton, W. T.
Evelyn, W. J.
Forbes, W.
Forester, hon. G. C. W.
Fox, S. W. L.
Freestun, Col.
Freshfield, J. W.
Fuller, A. E.
Galway, Visct.
Gaskell, J. M.
Gladstone, rt. hon. W. E.
Goold, W.
Grace, O. D. J.
Grattan, H.
Greene, J.
Grogan, E.
Gwyn, H.
Hall, Col.
Hallewell, E. G.
Hamilton, G. A.
Hardinge, hon. C. S.
Harris, hon. Capt.
Hayes, Sir E.
Herbert, rt. hon. S.
Herries, rt. hon. J. C.
Higgins, G. G. O.
Hodgson, W. N.
Hope, Sir J.
Hotham, Lord
Humphery, Ald.
Jocelyn, Visct.
Jones, Capt.
Keating, R.
Keogh, W.
Knightley, Sir C.
Knox, Col.
Lennox, Lord A. G.
Lennox, Lord H. G.
Leslie, C. P.
Lopes, Sir R.
Mackenzie, W. F.
Mackie, J.
Mahon, The O'Gorman
Manners, Lord J.
Maunsell, T. P.
Meux, Sir H.
Miles, W.
Milnes, R. M.
Moody, C. A.
Morgan, O.
Mullings, J. R.
Naas, Lord
Napier, J.
Newdegate, C. N.
Newport, Visc.
Norreys, Sir D. J.
O'Brien, Sir T.
O'Ferrall, rt. hon. R. M.
O'Flaherty, A.
Packe, C. W.
Pakington, Sir J.
Palmer, R.
Pechell, Sir G. B.
Portal, M.
Prime, R.
Pugh, D.
Richards, R.
Roche, E. B.
Sadleir, J.
Sandars, G.
Sibthorp, Col.
Spooner, R.
Stafford, A.
Stanley, E.
Stuart, J.
Stuart, H. G.
Sullivan, M.
Tennent, Sir J. E.
Thompson, Col.
Trevor, hon. G. R.
Tyler, Sir G.
Tynte, Col. C. J. K.
Tyrell, Sir J. T.
Vyse, R. H. R. H.
Waddington H. S.
Walpole, S. H.
Walsh, Sir J. B.
Wawn, J. T.
West, F. R.
Whiteside, J.
Willoughby, Sir H.
Wodehouse, E.
Young, Sir J.

TELLERS.

Palmerston, Visct.
Dunne, Col.

Main Question, as amended, put, and *agreed to.*

Bill to amend and consolidate the Laws respecting the Militia *ordered.*

Lord JOHN RUSSELL: Sir, I consider that the Vote to which the House has just come, is tantamount to a refusal to allow the Government to bring in the Bill which they have prepared. It is a Bill for the internal defence of the country, and, as such, a Bill of the utmost importance to the country. I cannot, therefore, consent to assume the further responsibility of the Bill with an alteration in its title which I consider objectionable. I intend, therefore, to relieve myself of all further responsibility with regard to it, and shall leave it to the noble Lord, or any one else who wishes, to bring in the Bill.

Viscount PALMERSTON: Sir, I cannot help expressing my extreme surprise at such an abdication by the Government of their proper functions in this House. I presume, it was not without full deliberation that the Government deemed it to be their duty to introduce a measure for the better defence of the realm. The only difference of opinion between the majority of the House and the Government has been, whether that measure shall be founded upon the Act of the 42nd *Geo.* III. or the Act of the 58th *Geo.* III.—whether it shall be founded upon the system of a regular militia or of a local militia. The noble Lord has stated by his explanations this evening that his measure was so nearly the same as the arrangement of the regular militia, that it appeared to me—and it has also appeared to the majority of the House—that it was inconsistent with common sense, I may say, to retain the word "local" in a measure which, in fact, with one exception, was an arrangement similar to that of the regular militia. The noble Lord has admitted substitutes, which the Local Militia Act forbids, although we have indeed heard a very eloquent exposition of the objections to those substitutes. The noble Lord stated that his plan would admit of substitutes, like the regular militia; he stated that his plan would admit of the force being called out and embodied in case of war like the regular militia; and he admitted—if I understood the noble Lord rightly—that in case of war it might be sent to any part of the United Kingdom, like the regular militia. The only remaining difference between us is as to the period during which the force so called out shall be liable to remain embodied; and I ask, if that is the case, is it fitting that the Government should shrink from the performance of their duty—that they should throw up, on account of a verbal incidental alteration of their plan, a measure which they ought not to have proposed unless they thought that it was really essential for the welfare of the country?

Mr. SPEAKER: I have to inform the House that at present there is no question before it.

Lord JOHN RUSSELL: Sir, after what the noble Lord has said, it is incumbent on me to say a few words in explanation. The noble Lord says that the measure which I explained on a former occasion, and again this evening, was so nearly similar to the plan which he himself proposed for restoring and establishing the militia, that he wonders I should throw up the Bill. Now if that were the case, I own I should think it a most unprecedented course, that, because of some difference on minor points with regard to this Bill, therefore a majority of this House should alter the words of the title of this Bill, thereby implying that a very great change is intended. I am sure that if we were now to bring in the Bill on the principles of which the Government have decided, when that Bill was printed I should be told, that is not the Bill which the noble Lord intended, and other provisions must be introduced. Sir, is that a position for a Government to hold? I think I made a great admission when I said that, with regard to all the details of this Bill, when it was before the House, I should be ready to listen to any amendments; I should be ready even to submit it to a Select Committee for further consideration. But if I am to be stopped at the threshold—if I am to be told at the commencement that this House has no confidence in us—then, Sir, it is impossible for us to go on with this measure [*Cheers*]. I hear hon. Gentlemen cheer that observation, thereby implying clearly that the noble Lord was wrong in what he said, and that it was intended, by this Vote, and by putting the Government in a minority in times of serious import, and with regard to a serious question, to show that a majority of this House had not confidence in the existing Administration. I must therefore, Sir, conclude by moving that Mr. Bernal and Lord Viscount Palmerston be ordered to bring in the Bill.

Motion made, and Question proposed, "That Mr. Bernal and Viscount Palmerston do prepare and bring in the Bill."

Sir B. HALL: I was one of those who gave my vote, and my cordial vote, in favour of the Motion of the noble Lord. I think the course that was pursued by the noble Lord (Lord Palmerston) who sits below me was uncalled for and unprecedented; and I think it would have been more in accordance with the usages of the House, to have allowed my noble Friend to introduce this Bill. But, having supported my noble Friend on this occasion, I cannot go along with him further. I gave my vote in favour of my noble Friend; but I intended to give my vote in the future stages of the Bill in conjunction with my hon. Friend the Member for Montrose. But I am not at all satisfied with the conclusion the noble Lord at the head of the Government has come to, and I do not think he ought to have called on the noble Lord below me to bring in this Bill. He has stated to the House that we require a militia—he has stated, as the head of the Government, that we require a further defence. I do not agree with him there; but I think, if the noble Lord states to this House that we do require defence, he ought either to give up the situation he holds as a Minister of the Crown, or proceed with this measure, and I hope the conclusion my noble Friend will come to is this—that he will at once give up office; and when my hon. and gallant Friend the Member for Bradford say she has the greatest horror of a foreign force landing in this country, but that he has a still greater horror of a Protectionist Government coming into power, I say that I have no such horror. We shall see them try their hand at government; and I hope my noble Friend, after the decision that has been come to, will not merely abandon the Bill, but, in consequence of the vote that has been carried against him, will take that constitutional course which he has always taken, and at once intimate his desire no longer to preside over the councils of the Sovereign.

Lord JOHN RUSSELL: Sir, I merely

rise to say that I thought I had made my meaning sufficiently plain. I stated that I took it for granted, from the result of this Vote, that the Ministers no longer possessed the confidence of this House; and the result of Ministers no longer possessing the confidence of this House will be that the usual course will follow. You said, Sir, a little time ago, that there was no Motion before the House, when I moved that Mr. Bernal and Lord Palmerston be ordered to bring in the Bill. Of course I do not mean to impose that responsibility upon the noble Lord, and I now beg to withdraw the Motion.

Motion, by leave, *withdrawn.*

DIFFERENTIAL DUES ACTS.

Order for Committee read; House in Committee.

MR. LABOUCHERE said, he rose to move a Resolution, that a Bill be brought in to enable Her Majesty to abolish, under certain conditions, the differential duties on foreign ships. By the law as it at present stood, treaties of reciprocity with foreign countries, must be signed before terms of reciprocity could be granted. Now they had long been in communication with the Government of Spain upon this subject, with regard to which many just complaints had been made by our merchants, that English ships were not put on the same footing in their ports as Spanish ships in our ports. The Spanish Government had all along said they had nothing to do with English laws; that they were willing to agree to terms of reciprocity, but that they would not enter into any Treaty. Of late a diplomatic convention had been entered into on the subject, and the Government proposed to be allowed by this measure to make the agreement with them without a Treaty. He might, if it were necessary, state that this was not the first occasion when inconveniences had arisen out of the existing Act. A few years ago one of the South American States made the same difficulty, and he thought it would be obvious to the House that the meaning of the Act would be carried out if the advantages of reciprocity were allowed wherever Her Majesty received satisfactory evidence that our ships were treated in foreign ports on the same footing with the ships of other countries.

MR. HERRIES said, he understood this measure to be one of form, and not of substance; that it was to do for Spain, under a Convention, what the Act required to be done by Treaty. Under these circumstances, and seeing that the Bill was only a question of form, he had no objection to accede to the proposition of the right hon. Gentleman.

MR. LABOUCHERE begged to state, that the Bill was not to be confined to Spain, but extended to other countries in similar circumstances.

MR. HUME thought it was right this Bill should pass, but he complained that this reciprocity convention would throw upon the Consolidated Fund a sum of from 30,000*l.* to 40,000*l.*, which had hitherto been paid by Spain. He thought they ought to take some steps to free themselves from this charge.

"*Resolved*—That the Chairman be directed to move the House, That leave be given to bring in a Bill to enable Her Majesty to abolish otherwise than by Treaty on condition of Reciprocity Differential Duties on Foreign Ships."

House resumed.

Resolution *reported*:—Bill *ordered* to be brought in by Mr. Labouchere and Mr. Cornewall Lewis.

COLONIAL ECCLESIASTICAL LAWS.

Order for Committee read; House in Committee.

MR. GLADSTONE said, he rose to move a preliminary resolution, in order to enable him to lay on the table a Bill, as to the principles of which he did not apprehend there would be any objections. Under the present circumstances he would not persevere even in taking this preliminary step, if he thought the Bill was likely to give rise to any objection. He did not see his hon. Friend the Under Secretary for the Colonies in the House, but he had been careful to communicate with him, and the Bill had obtained his approbation. The object of the Bill was simply to relieve members of the Church in communion with the Church of England in the Colonies from certain supposed legal disabilities, which prevented them from taking those measures for the local management of their own affairs that other religious bodies in the Colonies were in the habit of exercising. He did not mean to give them any legislative power; he did not propose in any way to interfere with the colonial legislatures doing whatever they thought fit; he only proposed to relieve them from that which all must admit was most desirable—that was to relieve them from certain difficulties which arose from the state of the law in this country, concerning which doubts existed whether it extended to the Colonies, and out of which doubts had arisen great practical confusion and inconvenience.

MR. HUME said, he looked upon all these matters with great jealousy, for he was against interference with the religious matters in the Colonies at all; but if he understood the explanations of the right hon. Gentleman rightly, it would not preclude the Colonies from regulating their own affairs. With that understanding he had no difficulty in agreeing to the Motion.

MR. GLADSTONE said, the hon. Gentleman's observation was strictly correct, or rather, he might have gone further, for the object of the Bill was to enable the Colonies to settle their own affairs—that the ecclesiastical affairs of the Colony should be locally managed in the same way as the civil affairs were locally managed.

"*Resolved*—That the Chairman be directed to move the House, That leave be given to bring in a Bill to relieve Bishops in the Colonies in communion with the Church of England, and the Clergy and Laity in communion with them, in respect to legal doubts or disabilities affecting the management of their Church affairs."

House resumed.

Resolution *reported:*—Bill *ordered* to be brought in by Mr. Gladstone and Mr. Oswald.

The House adjourned at half after Nine o'clock till Monday next.

HOUSE OF LORDS,

Monday, February 23, 1852.

MINUTES.] PUBLIC BILL.—1^a Drainage and Embankment of Lands.

COUNTY COURTS FURTHER EXTENSION BILL—EXPLANATION.

LORD BROUGHAM said, he had taken into consideration certain suggestions which had been offered to him by some of his noble and learned Friends with respect to the County Courts further Extension Bill, and having also had some communication with County Court Judges, he was happy to say he thought they had been enabled to frame a clause which would meet the difficulty pointed out by a noble Friend of his, without falling into any other difficulty, on the important subject of costs. The ninth clause of the Bill had been by some thought to be sufficient, but it was not really sufficient, and it would be necessary to frame a different provision on the subject. At the bringing up of the Report he would propose a clause to meet the difficulty that had arisen on this important question.

RESIGNATION OF THE MINISTRY.

The MARQUESS of LANSDOWNE: My Lords, I rise for the purpose of moving that the Order of the Day, which stands for Friday next, for the appointment of a Committee to consider the Affairs of the East India Company, be discharged. My Lords, in making that Motion, your Lordships will readily anticipate that the ground on which I make it is a circumstance which must be already known to all of your Lordships, namely, that all Her Majesty's present Ministers hold office only until their successors shall have been appointed. My Lords, in making this announcement, I certainly am most anxious to make no observation whatever calculated to excite any difference of opinion, or even to provoke any sort of discussion. I should wish so to abstain under any circumstances, but more especially in the absence of a noble Earl—a noble and much valued friend of mine in all times, though a political opponent—from whom I have within the last hour heard that he has accepted office, and is engaged in forming a new Administration—a task in which, although it is impossible for me to give him any assistance, I am sure I should be the last man to create in his path, were it even in my power, the slightest shade of impediment. I will say that it is not my wish to offer any obstruction to the formation of that or any other Administration under the present circumstances; for we have been of late daily informed that, independent of that Administration which is now being formed, there are concealed in this country many anonymous Administrations—equally able and willing to undertake the duty of conducting Her Majesty's affairs, but at the same time too modest to make their names known, as well as their pretensions. I have before this stated my opinion—and every hour's reflection since has confirmed that opinion—that the retention of office and the prolongation of official existence by a Government which does not obtain that amount and steadiness of support which are necessary to enable it to conduct with efficiency the Queen's affairs, not only ceases to be a good, but becomes productive of evil to the country.

Therefore, my Lords, the very moment I was apprised by my noble Friend at the head of the Government, on Saturday morning, that in consequence of what had passed the night before, he was disposed without further delay to resign into Her Majesty's hands the trust that She had confided to him, I instantly signified my entire acquiescence in, and approbation of, that course being adopted; and I am authorised to state that when it was subsequently communicated on the same day to the rest of my Colleagues, they unanimously and unhesitatingly concurred in that opinion. My Lords, I do not know that on this subject it is necessary for me to say more. What I have said I have said on behalf of the Government with which I have been connected, and it is due to the Colleagues with whom I have had the honour and happiness to act; but, my Lords, considering the position in which I feel myself to stand, and considering that it is, I will say most improbable—I ought perhaps to use a stronger word—that I should again under any circumstances address your Lordships from this bench, I may be permitted to add a few words upon that part of the communication I have to make to your Lordships. My Lords, although as long as I have life and health for it, I shall consider it a duty not to remain indifferent to the proceedings of this House upon the great impending questions in times most eventful, and which I am afraid will long continue to be eventful, although I may, in discharge of that duty, take some part in the discussions of the most momentous interest, and upon one of those questions if it should come hereafter to be presented to your Lordships—it will be most satisfactory to me to give my opinion on that question to your Lordships' House, unbiassed and untrammelled by any official relations; nevertheless, whilst attending for such objects, I think the time has arrived when I may reasonably dispense with a constant, or, if I may use the expression in reference to the situation I have held for several years past, a compulsory attendance upon the proceedings of this House. With that feeling I cannot sit down on this occasion without, in the first place, thanking all my noble Friends whom I now see sitting around me—both personal and political—for the warmth and cordiality of that support which from them I have constantly experienced. But, my Lords, I must also add that I shall quit this House deeply indebted to the House at large, and to the great majority—indeed, I will say to all the noble Lords opposite—for the invariable kindness, courtesy, and forbearance which each and every of them have displayed towards me. It has been my lot—and I hope it will always continue to be my lot—to see during that time generally observed in the proceedings of this House that absence of all violence of temper, that absence of all acrimony of feeling, which I am sure is essential to the dignity of your Lordships' House. If I have in any degree assisted to maintain it, it will be to me a source of constant satisfaction, convinced as I am that it is by observing that course and thus characterising your proceedings, your Lordships will best maintain that authority in the country which you derive from its constitution; an authority which, whatever may be said to the contrary, it ought to be the wish of all the sane part of this country you should continue to enjoy. I say of the sane part of this country, because all that portion at least of the public has had occasion within the last few years to see that there is no country with institutions more or less similar to those which give your Lordships a place here, and where these institutions have been hastily abolished, in which after the lapse of a few years, it has not been found most desirable to reconstruct them, but in which it has not been at the same time found that it is much more easy to destroy than to create. I entertain the most ardent hope that under whatever Government this country is placed, your Lordships will continue to maintain a course which entitles you to the respect of the country. I am confident that by deserving that respect you will continue to obtain it. My Lords, having ventured to say this much in stating to you the situation in which I now find myself, I have only to add that it is my intention to propose to your Lordships that, on rising to-night (if I hear of no objection to it), the House shall adjourn till Friday. After the communication I have had from the noble Earl, and to which I have alluded, it is necessary to take this course; but if there be any judicial business, or any business of an ordinary character that it may be found convenient to attend to, I conceive there can be no objection to your Lordships adjourning from day to day, with the perfect understanding that until Friday next no public business shall be transacted. I do not make my Motion at present until I hear whether there is any objection to the course I propose to take.

The EARL of MALMESBURY: My Lords, though it may appear unbecoming in me to offer any remarks on the observations that have been made by the noble Marquess opposite, I cannot refrain from expressing my conviction that, on this side of the House, we feel both pride and pleasure at the manner in which the noble Marquess has addressed your Lordships. We cannot but feel pride and pleasure when the noble Marquess has told us that on both sides of the House, during the political contests which have raged, he has witnessed a desire to give neither pain nor offence, and that those constant examples of courtesy and dignity have been given by your Lordships which are so becoming and necessary in every Member of your Lordships' House. I am sure I can on the other side say with truth, that I have never seen any other than a similar example of courtesy and dignity displayed by the noble Marquess. I trust that the words which the noble Marquess has spoken to-day will long be remembered by your Lordships, as coming, I think, from the highest authority in this House, both in experience, in dignity of bearing, and in courtesy of manner. In times of difficulty, and in the discussion of exciting questions, I trust his words will be remembered, not only by those who have had the same experience as the noble Marquess, but also by my younger Friends behind me, because I am convinced that nothing but good can arise from the words which the noble Marquess has spoken to-night. I have only to hope that if the course of events should prevent the noble Marquess from again occupying the bench on which he is now sitting, we shall not, at all events for many years, lose the great, the valuable, and the important assistance which he is capable of giving us in our deliberations, and that he will long continue to afford us, in this deliberative assembly, the benefit of his advice, and the valuable examples of his virtues and of his eloquence.

LORD CAMPBELL said, that of course, in the present state of affairs, it would be quite improper that their Lordships should consider any question of a party or political nature; but there was a Bill about going before Committee, for improving the Procedure of the Courts of Common Law, which men of all political parties supported. It was of great importance that that Bill should pass, because the day was fixed for its coming into operation in the Bill itself, namely, the 15th of April, the first day of next term. He begged therefore to move that the Committee on that Bill might meet notwithstanding any adjournment of the House, and that proposition would not at all interfere with the Motion of his noble Friend.

The LORD CHANCELLOR objected to the proposition of the noble and learned Lord. The Bill was of importance, involving questions of vast interest, and he could not therefore accede to the Motion.

LORD CAMPBELL: After the observation of my noble and learned Friend, I shall withdraw my Motion.

The MARQUESS of LANSDOWNE: As my noble and learned Friend (Lord Campbell) has yielded to the objection of my noble and learned Friend on the woolsack, I beg to move that the House do now adjourn until Friday.

House adjourned to Friday next.

HOUSE OF COMMONS,

Monday, February 23, 1852.

MINUTES.] NEW MEMBER SWORN.—John Isaac Heard, Esq., for Kinsale.

CLEOPATRA'S NEEDLE.

MR. HUME said, the House would remember that last year he asked whether it was the intention of Her Majesty's Government to bring to England the obelisk known under the name of Cleopatra's Needle, which had been presented by the late Mehemet Ali, Pasha of Egypt, to George IV. A letter was addressed to the Pasha signifying the pleasure of George IV. to accept his present. A promise was made that inquiries should be instituted to ascertain the best means of transmitting the obelisk to England. At the request of several persons who were very anxious to have the obelisk brought to England, he wished to ask whether any steps had been taken for that purpose?

The CHANCELLOR OF THE EXCHEQUER, in answer to the question of the hon. Member, begged to say that last year inquiry was made by the Government as to the possibility of removing Cleopatra's Needle, and also whether it was worth while to remove it to this country. The answer received to that question, from the parties best qualified to give it, was, that they did not think it was worth while incurring the expense and trouble of bringing the obelisk to England. But upon this point the Government had not yet come to a decision.

Mr. HUME said, that the expense of removal would not exceed 10,000*l.*

RESIGNATION OF THE MINISTRY.

Lord JOHN RUSSELL rose and spoke as follows:—Mr. Speaker;—Sir, after the occurrences of last Friday night the House will be prepared for the announcement I have now to make. At a meeting of Her Majesty's servants on Saturday we considered what course it was incumbent on us to pursue. It appeared to us that it was impossible for us to carry on satisfactorily the business of the Government in this House after the event of the preceding night. We considered the alternative of advising Her Majesty to use Her prerogative to dissolve Parliament. But we conceived that there were such grave objections to such a course, that we declined to advise the Crown to take that step. We therefore determined, promptly and humbly, to lay our resignations before Her Majesty, which I accordingly did on the same afternoon. Her Majesty was graciously pleased to accept our resignations, and has since sent for the Earl of Derby, who, I understand, has undertaken the task of forming a Government. And, therefore, we now only hold office until our successors are appointed by Her Majesty. Sir, after this statement, I do not wish to recur to the various events which have taken place since the commencement of the Session, and which may form, perhaps, the subject of debate hereafter. But, Sir, I cannot conclude what I have to say on this occasion, without expressing my sincere thanks to those hon. Gentlemen who have supported Her Majesty's Government, and who, during upwards of five years, have enabled me to sustain a burden to which, I must confess, I was otherwise totally unequal. Having their confidence, and having had the advantage of their support, I have been enabled, during that period, so to conduct affairs, that we shall not leave them, now, in any great branch of our domestic or our foreign relations, in a situation of which we need be at all ashamed. I wish further to say, with respect to one of my Colleagues to whom I am particularly indebted, that it is to the temperate wisdom and to the respected character of the Marquess of Lansdowne that the Government have owed the facility of being enabled to carry measures of great importance through the House of Lords, where a Ministry composed of the party to which I belong does not usually command the support of a majority. Sir, as I have said I do not wish to recur to past events, or indeed to dwell upon anything which may raise a difference of opinion now in this House. As to the future, I shall only say that I shall think it my duty to oppose, out of office, as I have opposed in office, any restoration of the duties on corn, whether under the name of protection or of revenue. That I shall think it my duty to support an extension of the suffrage to those who are fitted to exercise the franchise for the welfare of the country, believing as I do that such an extension will add strength and solidity to our Parliamentary system. I will say further that I shall always use the little influence that I may possess, for the maintenance of the blessings of peace. I have only further to say that, since I came into the House, I have had a communication from the Earl of Derby, stating that it is his wish, for the convenience of the official arrangements which he has been charged to make by Her Majesty, that this House should adjourn till Friday next. In compliance with that wish, and for the promotion of the public convenience, I, therefore, now move that this House at its rising do adjourn to Friday next.

Mr. HUME said, it was only fit and proper that those who were entrusted with the formation of the Ministry should have time to make their arrangements. What he rose for was simply to express a hope that the House, when it met on Friday next, would have the opportunity of hearing from the new Ministry an explanation of the policy on which they proposed to carry on the Government. He said this because he had heard a rumour that it was intended that that House should not have the opportunity of meeting again. For himself, he was not wedded to party. If they brought in good measures he should support them, and if they brought in bad measures he should oppose them. He was not wedded to either party, but was the strenuous advocate of liberal measures, carrying out free trade further than it was now carried; and he could only say he should be sadly disappointed if he did not hear from Her Majesty's intended Ministers some explanation of what they meant to do. If they were hostile to free trade, let them have the candour to state it, but do not let them go to the country without a knowledge of what their policy was to be.

The House adjourned at a quarter before Six o'clock till *Friday*.

HOUSE OF LORDS,

Friday, February 27, 1851.

Minutes.] *Took the Oaths*—prescribed by the Act of 10th Geo. IV., to be taken by Peers professing the Roman Catholic religion—the Lord Stafford; and sat first after the Death of his Father.

THE MINISTERIAL STATEMENT.

The Earl of DERBY: My Lords, the place from which I have now the honour of addressing your Lordships, at once not only affords a justification for my rising upon this occasion, but imposes upon me, as I conceive, the duty of endeavouring to state as shortly and as distinctly as I can, and with as much frankness as may be in my power, and no more reserve than is imposed upon me by the position which I hold, to state not only the motives which have induced me to accept the arduous task which I thought myself bound not to decline, but also, as far as I can, to lay before your Lordships an outline of the course which, having undertaken such a responsibility, I feel it incumbent on me to pursue.

But before I proceed I feel desirous—indeed I cannot deny myself the gratification—in the presence of the noble Marquess opposite (the Marquess of Lansdowne), of expressing to him that which, not having been present in the House, I could not express at the last meeting of your Lordships, my grateful thanks for the kind and friendly terms in which he alluded to my present acceptance of office. My Lords; to any man accepting the high office I have now the honour to hold, such terms of commendation could not but have been welcome from whatever quarter they might come; but they are peculiarly gratifying to me in a public, and also in a private, capacity, as coming from one to whom, since my earliest boyhood, I have been accustomed to look up with hereditary respect and deference—for whom as years rolled on those feelings were ripened into sincere personal respect and esteem; and of whom I am proud to say, that the circumstances which have separated our political connection have not, either on his part or on mine, in the slightest degree impaired our private friendship. My Lords, I hope that this is only a single example of many that might be cited, that, amidst all the conflicts of parties in this free country, men entertaining opinions far more widely different than those which have separated the noble Marquess and myself, may continue to entertain for one another feelings of personal regard unembittered by the contentions of party, and that, however different may be the views which a sense of public duty may compel us to maintain, there is nothing in this diversity of opinion which may dissever the personal friendship of English gentlemen. I have been told—and I hope the noble Marquess may have been misunderstood—I am told the noble Marquess intimated, on the last occasion of your meeting, his intention of shortly retiring from the active pursuits of political life, and those political duties which have been so long discharged by him with such signal ability and success. Now if the difference of opinion between man and man can diminish the feelings of personal friendship for each other, it is impossible that such could be the case between me and the noble Marquess, who—and I am sure that I am only expressing the feeling of every individual in this House—has won the esteem and confidence, and I might almost say the affection, of every one of your Lordships who has witnessed the firm and uncompromising, the dignified, and yet the perfectly friendly and courteous manner, in which he has discharged for so long a period his high functions in this House. It must be an encouragement to future statesmen that they should be able to point to his example, and see how, after a period of, I believe, nearly fifty years spent in the public service, a statesman can retire with the friendship, the warm and cordial friendship of his political associates, with the cordial and sincere esteem of his political opponents, and with a character unblemished by a single stain on his political virtue or private honour.

My Lords, having thus relieved my mind of the debt of gratitude which I felt was due to the noble Marquess, I must proceed to a far more arduous portion of the task which I have now to perform.

My Lords, it is unnecessary for me to trouble your Lordships with any speculation or any statement of mine as to the occurrences which may have led to the downfall of the late Administration. Undoubtedly, my Lords, although there had been a general expectation that the resignation of Her Majesty's late advisers was not far distant, I, for one, so little expected that such an event would occur on the particular occasion which gave rise to it, that, as most of your Lordships are perhaps aware, I had, at the time, actually gone down to the country for the purpose of spending three or four days. I shall not attempt to speculate as to whether the particular vote arrived at by the other House on last Friday night, led to that determination of Her Majesty's late Government, or whether other reasons had led them previously to form that determination, which was only confirmed by that vote. It was on Saturday that I received the, to me, surprising intelligence of the result of the division in the House of Commons, and of the consequent resignation of Her Majesty's Ministers. On the evening of that day I had the honour of receiving from Her Majesty a command to wait on Her at the Palace at half-past two o'clock on the following day. My Lords, I had then to consider not what course it was my interest, but what course it was my public duty to pursue. I had to weigh deliberately and candidly on the one side all the overwhelming difficulties of the situation in which I was placed—all the awful responsibility of the task which I felt I might be called upon to perform; and I had to weigh on the other side what appeared to me the still more awful responsibility, if it could be imputed to me that from personal feelings and an unwillingness to take on myself either labour or responsibility, I had left by my act the Queen and the country in the present times without an Administration, however unworthy it might be. The noble Lord opposite will excuse me for saying that I saw little prospect of any other Administration being speedily formed; and, further, that I saw little prospect of advantage from the resignation of the late Ministry being speedily followed by their resumption of the reins of Government; and I therefore felt, that, however unequal to the task, however great the difficulties that might stand in the way—difficulties arising from my own position, and from those who, agreeing with me in opinion, are still unable to command a majority in the other House of Parliament—still, great as all these difficulties were, deliberately weighing and not overlooking them, I felt it my first duty to my Sovereign and my country to determine that at this time the country should not be without an Administration; and it was not, my Lords, without a deep consciousness of the responsibility I was incurring, nor without a thorough conviction of my own inability to perform adequately the duties I was about to undertake, that I at once intimated to Her Most Gracious Majesty, on receiving Her commands to that effect, my readiness to attempt the task of the formation of a Ministry.

My Lords, by the concurrence of almost all those friends to whom I felt it to be my duty to apply, I was able, on the following day, to lay before Her Majesty an outline of the Administration; and in the course of the four days since elapsed I have been able to submit to and obtain the approval of Her Majesty to the list of those friends whom I have selected to discharge the principal offices of the Government.

At the same time, the Government being so formed, I feel it necessary that I should state to you, my Lords, frankly, freely, and without reserve, the course of policy which I shall deem it my imperative duty to follow.

My Lords, with regard to the Foreign Relations of this country, I am sure there is not one amongst your Lordships, and few indeed in the country, who will not earnestly desire to see maintained the blessings of universal peace. There is not one of my noble Friends who will not think that every effort on the part of Government should be made with a view to averting the remotest chance of incurring the miseries of war. My Lords, in my humble opinion that desire of preserving peace is not best supported by displays of large military and naval forces, by the assumption of an attitude of hostility, or by making preparations as if for war; neither, on the other hand, is the maintenance of peace to be secured by the adoption of the Utopian theories in which some gentlemen indulge, of universal disarmament; or, if not of universal disarmament, of placing this country in a position in which it is incapable of defence. My Lords, I believe that peace will be best maintained by observing to all Foreign Powers — whether powerful or weak — a calm, temperate, deliberate, and conciliatory course of conduct, not in acts alone, but in words also; by adhering with strict fidelity to the spirit and the letter of the obligations imposed upon us by treaty, and by respecting the independence of all nations, whether great or small, as well as by admitting their full right to regulate to their own will the internal affairs of their own administration. My Lords, I believe the constitution under which we have the happiness to live, is of all imaginable constitutions the best adapted to secure the happiness and the liberty of the greatest number; and I should be glad to see our example diffusing itself through other nations and countries, and that the admiration which our constitution excites should cause it to be generally followed. But I hold, my Lords, that we have no right as a nation, to entertain particular prejudices, or particular sympathies, for this or that course of government that other countries may think fit to adopt, be these courses or forms of government the most absolute despotism, limited monarchy, constitutional republic, or, if such a thing could endure, absolute red republicanism; that which is the choice of a nation, so far as it affects its individual and internal concerns alone, it is the duty of a British Government to recognise. My Lords, I concur entirely in the observations that were made with great truth and dignity a few days ago by the noble Earl the late Secretary of the Foreign Department (Earl Granville), namely, that in our conduct of affairs with foreign nations, there is far more dignity, if any of the subjects of these realms conceive themselves to be injured by a foreign Power, in acting with forbearance than with violence—the dignified course in public as in private life is at once to offer, without waiting to be asked for it, such reparation as the circumstances of the case, and our own conscience, may show to be right. On the other hand, I am convinced that if we or any of the subjects of this realm have reason to complain of the conduct of any foreign country, the course is plain and simple: frankly and temperately to state the complaint we have to make, not indulging in vituperation and intemperance of language, but submitting equally to the honour and justice of other countries the claim we should be the first to acknowledge ourselves. I cannot but think, my Lords, that steadily acting on that principle, alike in reference to powerful as to weak nations, we shall be able not merely to maintain the blessing of peace, but also to place this country in an attitude of sincere friendship with the other nations of the world.

But, my Lords, the more I entertain this belief and hope that the preservation of peace and good understanding will continue amongst the nations of Europe; yet in proportion to this conviction, I feel it our duty, as a Government, not to omit those precautions which have been adopted by our predecessors for placing this country in a position by the internal organisation of its domestic affairs to be freed from the possibility of hostile apprehension. My Lords, I believe that our naval forces were never in a better or more effective condition than it is at this moment. I believe that for all purposes, whether as regards the protection of our own shores, the defence of the numerous and distant Colonies which form our Empire, or for the protection of that extended commerce which crosses every sea and fills every port in the wide world, I believe that for all such purposes our Navy was never in a more effective state than it is now. Our regular Army is also, I am happy to inform your Lordships, in a state of perfect efficiency, so far as its numbers are concerned. I repeat the words—"so far as its numbers are concerned," for, as to the duties which it has to perform, there is no Army in the world on which so heavy a load of military duties falls. But, my Lords, efficient as our Army is, well qualified as those are who constitute it, for the performance of the effective duties of their profession, that Army numerically—and I am rejoiced at the fact—cannot excite legitimately the apprehension or jealousy of any foreign Power. My Lords, the genius and disposition of the people of this country are hostile to a large standing Army. England has no desire of aggression, has no wish for extending her dominion by force of arms; much less has she any longing to engage in unnecessary quarrels with other countries, requiring a large increase of her military force. She, therefore, feels that to her a large standing Army is unnecessary. I know and feel, my Lords, what is due to the honour and character of this country; and I know and feel that, if it were threatened with hostile aggression, England, Scotland, and Ireland would rise as one man to defend it, and to repel the invader. I feel, my Lords, that thousands of loyal and gallant hearts would instantly rush to the rescue. I feel that we may rely with the utmost confidence upon the loyal hearts of the British people, who, I am sure, will rush at once, in case of necessity, to the service of the country; but, at the same time, it is impossible to deny that, if they are not a disciplined and organised force, they will meet any attempt of foreign aggression under fearful disadvantages. My Lords, various occasions have arisen before when propositions were made, not for creating, but for reorganising an old constitutional force, which has been always relied on for the internal military protection of the country; but I think it is unfortunate that those propositions have been always made under the pressure of some immediate anxiety or apprehension of some immediate danger, and that when the anxiety and apprehension had passed away, all ideas as to the necessity of the precaution passed away too, and vanished like a dream. In such a course there is a double disadvantage. If the measures for the organisation of a new military force, which cannot be aggressive, but is of necessity defensive, be taken in haste—if the preparations which its organisation requires be adopted under the pressure of immediate necessity, then the preparations are attended with a very large expense; in the next place, they would probably be too late to meet the anticipated danger; and in the third place, from being hastily adopted, the provisions themselves would probably be inadequate. Besides, there is this further disadvantage in such a course. The very fact of your taking extraordinary precautions at once increases the panic and alarm which has given rise to the necessity for making them on the part of the Government, and tend in turn to excite the jealousy of those foreign Powers against whose supposed or intended aggression it is placing itself on its guard. Therefore, my Lords, the more confident I feel of the peace of Europe, the more I would urge upon your Lordships the imperative necessity at this time, and not when the next apprehension may occur—but now at this time—of taking the necessary measures, with due deliberation and sufficient promptitude, for giving, not a large military force to the country, but for giving, at all events, that organisation and that discipline which in times of danger, may be necessary for our defence. My Lords, I rejoice to think that, for the maintenance of the tranquillity of this country, no military force, regular or irregular, is, or is likely to be, required. On many memorable occasions, and more particularly on one within the last three or four years, the people of this country have shown, in a manner exciting the admiration and wonder of foreign nations, that the peace and tranquillity of England may be safely intrusted to the loyalty of the people themselves. I believe that this is not owing to the ability of its rulers—I am sure that it is not the number of our forces which keeps this country in tranquillity and contentment, but it is a due and frank appreciation on the part of Her Majesty's subjects in every class of the community, of the inestimable value of those institutions under which they have the happiness to live, and a deep-seated conviction that under those institutions not only the just prerogatives of the Crown, but also the dearest liberties of the people, are preserved secure and inviolate. Under these institutions we are not only free and tranquil at home, but are, as we have always been — and God forbid that we should ever cease to be!—an ark of refuge for those whose misfortunes have driven them as exiles from their own homes to seek protection here. My Lords, with the disturbances and distractions of foreign countries we have nothing whatever to do; but when from those disturbances and distractions exiles and fugitives reach our shores they have always a right to claim, and I hope they will long continue to claim from us, the frank hospitality of England. But I say also, on the other hand, that it is the bounden duty of all who, flying from the misfortunes of foreign countries, find here a safe and tranquil asylum, not to abuse the rights of hospitality, and, above all, not to compromise the interests of this nation, which receives them into its hospitable arms, by organising here against their own country measures which they must know they can only carry on in safety under the shelter and protection of English law. I say, further, that it is not only the right but the duty of Government, without descending to a system—I must use a French word for it, for, thank God, we have not an English one which expresses it—of *espionage*, or *surveillance*, which is averse to all the feelings of the country—it is, I say, our duty as a Government to keep guard over the conduct of such persons as are disposed to abuse our hospitality; and if the fact of any plan hostile to the Government of their native land comes to the knowledge of Her Majesty's Ministers, it is our duty to put the foreign Government so menaced in possession of the facts, and thus place it on its guard against such machinations. Further than that I do not think it is right nor in the power of the Government of this country to interfere. If these persons, under any circumstances, and from whatever country, attempt to levy war against their own country, that is by our law a punishable offence; and it is the duty of the Government to visit such an offence with exemplary and condign punishment. But, short of that, which is in the eye of the law an offence, I say that, while on the one hand we perform the duty of friendship and all that is required by the comity of nations to be done to Foreign Powers, we cannot, on the other—I will not say to avert the hostility, but to secure the friendship of those Powers with whom we have contracted the closest intimacies—we cannot, I say, even for that purpose, strain the law and constitution of this country beyond the limits warranted by the law itself.

My Lords, I have now stated to your Lordships the principles upon which I think that our foreign policy should be regulated and conducted. I will not shrink, my Lords, from dealing with questions of far greater difficulty; I will not shrink from speaking frankly upon the subject of our commercial and financial policy.

My Lords, I need not remind your Lordships that in the year 1842 I was a warm and cordial supporter of the financial measures then introduced by the late Sir Robert Peel. I not only entirely approved of the revision of our Customs duties which at that time he proposed, but I also approved of the principle which, as I then understood, he announced of imposing duties on the principal articles of importation for the purpose of raising revenue; and not only for the purpose of raising revenue, but also for the purpose of levying duties in a given proportion to the extent to which the articles the subjects of duties admitted or did not admit the expenditure of future British labour. I understood the principle then laid down to be acquiesced in—I freely acquiesced in it—that there was to be the freest possible admission of all the raw materials which form the basis of domestic industry. My Lords, a different system has, to a certain extent, been adopted since that period; and I cannot but think that, if we look to the whole of our financial system, there is ground for believing that it is open, in point of principle and in point of practice, to considerable and useful revisions. Your Lordships will, I trust, forgive me if I contrast the system which prevails with regard to the Customs duties in this country, with that which prevails in another country which I have heard lauded as a free-trade place: I allude to the tariff of the United States. Now, my Lords, the tariff of the United States levies upon almost all articles of importation duties, more or less extensive, duties in some respects to an oppressive amount; but, in almost every instance, the whole of those duties levied are avowedly upon those articles which mainly enter into competition with the produce of their own soil, and of their own industry. My Lords, we appear to have proceeded recently upon a different principle; for while we admit with entire freedom many of those articles which do so enter into competition with our own produce, we load with an inordinate amount of taxation a certain small number of articles which enter directly, and to an immense extent, into the necessary consumption of the masses of the community. And I beg of your Lordships not to lose sight of this fact, that when the whole supply of any article is furnished from a foreign country, the whole amount of the duty imposed upon the import of that article, falls necessarily upon the consumers in the shape of an increase of price: but when you impose a duty upon an article of which a portion is supplied at home, and of which a portion is supplied from abroad, there the measure of the duty is by no means the measure of the increase of price; but that increase of price is only in proportion to the amount of foreign produce which may be excluded by the imposition of any duty whatsoever; for, consequently, the supply is diminished, and thereby, to a certain extent, the price is enhanced. Now, my Lords, I say that, as between these two principles, it appears to me that the American system is the easiest to be defended upon principle, and the least burthensome in practice to the consumer. My Lords, I will not shrink from expressing again that which I have expressed on former occasions, and repeating in office as I have stated out of office, that, in my individual opinion, I see no ground why, from the general system of imposing duties upon foreign imports, the single article of corn should be made a solitary exception.

My Lords, I state this as my opinion; but, at the same time, I have always said, and I repeat it again, that I think this is a question which can only be satisfactorily solved by a reference to a well-understood and clearly expressed opinion of the intelligent portion of the community. My Lords, any possibility, any idea of dealing with a system so vast and so extensive as the financial policy of the country, including within its range not only the whole system of duties on foreign imports, but also the incidents and the pressure of domestic and local taxation—I say, my Lords, any scheme so large and so extensive requires to be dealt with by a Government strong in the confidence, not only of the country but of Parliament, and able to carry, with the concurrence of Parliament and of the country, measures adopted and matured with great deliberation, with such care and foresight as it is impossible that any Administration could give to such a subject, called suddenly to deal with public affairs at the commencement of a Parliamentary Session. My Lords, I have said before, I know the position in which Her Majesty's Government is placed—I know that, in the other House of Parliament my Colleagues and I are in an undoubted minority. I know not whether we shall be enabled to command a majority in favour of our views even in the House which I have now the honour of addressing. But I say, my Lords, that the same motives which induced me to sacrifice all other considerations to avoid the responsibility of leaving the Sovereign and the country at this time without a Government, weigh on my mind with equal force to induce me to think that the public interests would not be consulted, at this period of the year and in the present circumstances of the world, by an unnecessary interruption, for a considerable period, of the sittings of the other House of Parliament, for the purpose of maturing and of carrying out (if it is to be or can be carried out) the policy which I consider advantageous to the interests of the country. While, then, I state frankly and freely what that policy is, and what my opinions are upon the subject, I confess, my Lords, that, situated as we are, we have a much humbler, but, at the same time, perhaps not a less useful, task before us. I avow that we cannot command a Parliamentary majority. I avow, my Lords, that, in the face of this conviction, I have felt it to be my duty not to decline the responsibility which has been thrown upon me. I know that in conducting the affairs of the country under such circumstances, Her Majesty's Government will have to appeal to the forbearance of its opponents, and in some cases to the patient indulgence of its friends; but, my Lords, I have that confidence in the good sense and judgment of the House of Commons, that they will not unnecessarily introduce subjects of a controversial and party character for the mere purpose of interrupting the course of sound and useful legislation, and of driving the Government out of that moderate and temperate course which the Government has prescribed to itself. My Lords, I think there are subjects enough, without dealing with those large and complicated questions—there are subjects useful enough to attract the attention and to occupy the time of this and the other House of Parliament. I believe, my Lords, that if, avoiding unnecessary party questions, we apply ourselves to the great measures for which the country has long called—measures of legal reform, simplifying and improving the administration of law and justice—measures of social reform, improving the condition and comfort of the people—I believe that, even as a minority in the House of Commons, we shall not be uselessly or dishonourably conducting the public affairs of the country. And, my Lords, I must say that, if interrupted in such a course by a merely factious opposition, I have that confidence in the good sense of the country, that that factiousness will, at no distant period, recoil upon its authors.

My Lords, among the measures of social improvement to which I have just adverted, I do not include one to which Her Majesty's late Government have thought it necessary to direct the attention of Parliament. My Lords, it was announced by Her Majesty's late Government that they intended to introduce, and I believe they did actually introduce, into the other House of Parliament, three measures in some degree connected together: the first for disfranchising a borough in which gross and notorious corruption was proved to have prevailed; the second, for facilitating the means of examining into, and correcting and controlling such corrupt practices in other boroughs for the future; and the third, comprising a somewhat miscellaneous assortment of topics, but comprising as a leading feature a large and extensive alteration of the electoral system of the country. Now, my Lords, with regard to the first measure, without dealing with the individual question, I avow, my Lords, that no man is prepared to go further than I am—and I am sure in this I speak the sentiments of my Colleagues also—to check, by all possible means, that gross and disgraceful system of bribery which, I am afraid, has increased very considerably in the course of the last twenty years, and which, in the intensity of the evils which it has produced has thrown into the shade the evils which existed in the local influences by which constituencies were previously controlled. My Lords, I say that no man can go further than Her Majesty's Government, in seeking to check that system, as far as it can be checked by legislation—in seeking to visit it with condign punishment, whenever a full and fair investigation has proved the existence and enormity of the offence. Nor, my Lords, do I pretend for a moment to say that the system of representation introduced in 1831 was a perfect system, or incapable of amendment. I think there may have arisen, and will arise in the course of time, abuses requiring change, and evils demanding a remedy; but, my Lords, I say, before you seek to apply a remedy, before, at all events, you pledge yourselves indefinitely to an unsettling of that which is, and settle nothing, be quite sure that you know the course which you are about to adopt; be satisfied of the nature of the evils which you mean to meet; be satisfied that the remedy which you propose to apply is not calculated to aggravate already existing evils. And I do entreat your Lordships—and if I were speaking in the presence of the Members of the other House of Parliament, I would entreat them, and through them the country—seriously to consider the incalculable injury, not only to the monarchy, but ultimately to the real and true liberties of the country, which may arise from constantly—from time to time—unsettling everything and settling nothing; rendering the country dissatisfied with that which is, without in the slightest degree removing the dissatisfaction of those who are prepared to go much further than any of your Lordships or Parliament could desire. My Lords, on the part of Her Majesty's Government I have to state that it is not our intention to proceed with the measure of Parliamentary Reform which was recently introduced by our predecessors in office. On the other hand, if you will show or prove to us the existence of any substantial grievances, no men will be more ready than my Colleagues and myself to endeavour to remove those grievances in the manner we consider best calculated to ensure that end without involving future danger to the constitution or the internal peace of the country.

My Lords, I know not whether it has been correctly stated, but still I have heard it stated, that my noble Friend—I hope I may call him my noble Friend, although opposed to him on political grounds—who preceded me in the situation I have the honour to hold, intended, for some cause which I cannot well divine, to combine with his plan for an extensive reform in our system of Parliamentary representation, another plan for a general improvement in the education of the people. My Lords, I believe that, for the purpose of improving education, no extension of the suffrage and no alteration in the constitution of Parliament was either necessary or could have the slightest influence or effect. I believe—and I rejoice to believe—that the feelings of the community at large—that the convictions of all classes, high and low, rich and poor, have now come to this conclusion—that the greater the amount of education which we are able to give, and the more widely it is spread among all conditions of men, the greater chance there is for the tranquillity, the happiness, and the well-being of the community. But, my Lords, when I use the term "education," let me not be misunderstood. By "education" I do not mean the mere development of the mental faculties, the mere acquisition of temporal knowledge, the mere instruction, useful as, no doubt, that may be, which may enable a man to improve his social condition in life, and give him fresh tastes and fresh habits, and with those habits the means of procuring for himself their enjoyment. Valuable as that instruction may be, when I speak of "education," I speak of this alone—an education which includes culture of the mind and culture of the soul—laying the foundation of all knowledge upon the basis of the Scriptures and Evangelical truth. My Lords, I desire to look upon all those who are engaged in the work of spreading knowledge, even though they be of different communions from that of which I am a sincere and attached member—I desire to look upon them rather as fellow-labourers than as rivals in the warfare we conjointly wage against vice and ignorance. But I trust, my Lords, I shall say nothing which can be offensive to any of those who differ from me and belong to other communions, when I say that, for the promotion of education and of religious knowledge among the people, I rest mainly and chiefly upon the exertions—the able, the indefatigable, and enlightened exertions of the parochial clergy of the United Church of England and Ireland. My Lords, I look upon that Church as the depositary of what I believe to be the truth, and as an instrument of incalculable value in diffusing good here, and leading to still more incalculable good hereafter. My Lords, I say it is not only the interest, but the duty, of Her Majesty's Government to uphold and maintain that Church in its integrity, not by penal enactments directed against those who differ from her communion, not by violent abuse and invective against the religious faith of those whose errors we may deplore, but to whose consciences we have no right to dictate—but by stedfastly resisting all attempts at aggression upon the rights, privileges, and possessions of that Church, come from what quarter, and backed by what weight of authority, they may, and by lending every power of the Government to support and extend the influence of that Church in its high and holy calling, of diffusing throughout the length and breadth of the empire (for I speak not of this country alone) that knowledge which can only be derived by the diffusion of the Holy Scriptures.

My Lords, I believe that I have now stated—perhaps at more length than I ought to have done, but I hope not with undue and unnecessary frankness, and with only such reserve of necessary details as is inseparable from the position in which I stand—those principles upon which we propose to conduct the administration with which we are intrusted. My Lords, for my own part, when I look to the difficulties which surround us—when I look to the various circumstances which must combine to give us a chance of successfully encountering the various obstacles which beset our path—I confess I am myself appalled by the magnitude of the difficulties which we have to meet. But I believe, and know, that the destinies of nations are in the hands of an overruling Providence. I know that it is often the pleasure of that Great Being to work out His own objects by weak and unworthy means. In His presence, I can solemnly aver, that no motives of personal ambition have led me to aspire to that dangerous eminence on which the favour of my Sovereign has placed me. In the course of my duties, no considerations shall sway me, except those which have led me to accept it—the paramount considerations of public duty. And with this feeling in my mind, and with a deep conviction of the sincerity of my own motives, and trusting to the guidance and blessing of a higher Power than my own, I venture to undertake a task from which I might otherwise have shrunk, appalled by its magnitude. And, my Lords, be the period of my administration longer or shorter, not only shall I have obtained the highest object of personal ambition, but I shall have fulfilled one of the highest ends of human being, if in the course of it I can, in the slightest degree, advance the great object of "peace on earth, and good will among men"—if I can advance the social, moral, and religious, improvement of my country, and if I can contribute to "the safety, honour, and welfare of our Sovereign and her dominions."

EARL GREY said: I do not intend, my Lords, to dwell upon the several topics discussed by the noble Earl, but I wish to say a few words on one point, in the way of protest, against a principle which the noble Earl has laid down in his statement. The noble Earl has declared, with that frankness which I expected from him, what the principle is on which the financial and commercial policy of his Administration is to be conducted. The noble Earl has described that principle with great clearness, and the comparison which he drew between the tariff of the United States and the tariff of this country, for the purpose of explaining it, was a perfect illustration. It is true, as the noble Earl says, that the principle which has been adopted in this country, within the last few years, has been so to impose the duties levied under the Customs laws, that they shall fall entirely, or much as possible, on goods imported from abroad, which do not compete with similar articles produced in this country. On the other hand, the noble Earl has told us that the principle acted on in the United States is the very reverse. The noble Earl has told us that in the United States they do not tax some of the great articles of consumption produced only abroad, such as teas; but that they do tax articles which are partly produced at home and partly imported from abroad, and with the avowed object of giving what is called "protection" to their own produce. The noble Earl says the effect of this system of taxation is, that it only partially raises the price of the imported commodity, and does not levy so large an amount of taxation from the people. Upon this the noble Earl bases an argument which, I confess, I was not quite able to follow, but which seemed to me intended to show that the price of the article was not affected. Now, it has long been an argument with us, that when you impose a duty on an article partly imported from abroad and partly produced at home, you raise the price to the consumer, not only of the imported article, but of that which is produced at home; and that, so far from its being favourable to the revenue, the direct opposite is the case. You levy a very large tax upon the consumer, not one sixpence of which is paid into the revenues of the State. The article of corn is one on which a duty of the kind alluded to by the noble Earl formerly existed. The revenue derived from that duty was very inconsiderable. But the noble Earl wished to reimpose the duty which previously existed. If he does so, I have no doubt he will not only raise the price of the 4,000,000 or 5,000,000 quarters of corn imported into this country, but of the much larger quantity which is produced in this country, the amount of which will not go into the Exchequer. Suppose that the noble Earl imposes a duty of *5s.* per quarter on the 4,000,000 quarters imported, he will raise a revenue of 1,000,000*l.* to the Exchequer. But the price of the four or five times that quantity grown in this country will also rise in exactly the same amount as the duty so imposed. The revenue derived by the Exchequer from corn will amount to 1,000,000*l.*; but the sum of 6,000,000*l.* will be paid by the consumers. This is the effect of the principle of a protective duty. By acting on the other principle, by repealing those duties which we always argued were a frightful tax upon the community, without bringing any money into the Exchequer, the effect has been, as I had the pleasure of stating on the very first night of the Session, that within the last few years duties have been repealed to the amount of twelve or thirteen millions, and that instead of the Customs revenues having diminished, they have reached a higher amount. Both theory and practice have proved the correctness of this principle. My Lords, I heard with great regret, with a consternation which I am altogether at a loss to describe, that the noble Earl intends to apply this, as I think, most unsound principle of commercial and finance to the food of the people. I have heard with consternation that a measure is to be proposed, with the authority of Government, for again imposing a tax of this kind.

The Earl of DERBY said, I must beg to correct that statement. What I said was, that I saw no reason, in my own opinion, why corn should form an exception from the general principle of imposing duties upon foreign produce; but that that was a question which ought to be settled, and which could only be settled, by the deliberate judgment of the large and intelligent community of this country. And I decidedly stated that neither with regard to that, nor with regard to dealing with the great and complicated question of our financial policy, had I any intention of making any proposition on the part of Her Majesty's Government until that public opinion should be decidedly and emphatically expressed.

Earl GREY: I am greatly relieved by hearing the explanation of the noble Earl. To a certain degree I understood him, but not exactly as he has now stated. What I understood him to say was, that he laid down what he considered a sound and proper principle of commercial legislation; that the application of that principle required great care and great deliberation, and that a measure founded upon it could not be produced in a hurry. I, therefore, did not expect (and I thought this perfectly reasonable) that the noble Earl would produce any such measure as this at an early day; but undoubtedly I did understand that the noble Earl did look to revise the commercial policy of this country upon the principle he has stated, as a means of revenue, and that in that general revision of our commercial policy, corn was not to be an excepted article. If I was wrong in so understanding the noble Earl, I beg his pardon; but I still think that, to the best of my understanding, the words delivered by the noble Earl could not be otherwise understood. Now, upon that, allow me to make this observation—

The Earl of DERBY: I have already corrected the misapprehensions upon the part of the noble Earl, and stated what I believe I did say, and what I know it was my intention to say. The noble Earl says that he is much relieved by the explanation, and then he proceeds to repeat his version of that which he had understood me to say, but which I hope I have satisfied your Lordships the noble Earl misunderstood, and now upon that misunderstanding, so corrected, he is proceeding still to argue.

Earl GREY: I appeal to your Lordships whether this interruption on the part of the noble Earl is strictly regular. I said I was greatly relieved. I then explained in what sense I had understood the words of the noble Earl, and then—though I was glad to find he had put a somewhat different construction upon them—I was then about to say that even now the distinction is not very clear; so that at first it must have been difficult to put any other construction upon the words of the noble

Earl than in the exercise of my judgment I fairly placed upon them. Even at this moment I am not quite convinced that I accurately apprehend the noble Earl: because I do not know, from what the noble Earl has stated, whether that revision upon what he conceives sound principles of legislation, is contemplated by Her Majesty's Government or not. Now, this is a question on which I do not press for any immediate answer or decision; but, as one deeply interested in the landed interest, as a member of the community, every class of which is deeply interested in that question, I do implore the noble Earl to let no long time go by before he explains distinctly and clearly the views of Her Majesty's Government on this most important, exciting, and agitating question. After the events of the last ten years, the question of a tax on the food of the country is not one to be kept long in suspense. We are entitled to know—I do not say to-night, I do not say in a fortnight, but I do say at a very early period—the clear and decided intention of Her Majesty's Government. I implore the noble Earl, in justice to the great interests which are affected by leaving this question in doubt, that he will not leave that doubt to continue longer than is absolutely necessary; because, let your Lordships only consider the effect of that doubt. There is not a transaction between landlord and tenant, not a transaction in trade, commerce, or manufactures, which is not vitally affected by our being left in ignorance of what is to be the policy of the country on this all-important subject. In justice, therefore, to all these great interests which are affected, I do hope and trust that we shall not be long in learning more clearly, and in having some distinct explanation of the views of the Government. We are not to be told that this is a question to be cast loose, and decided by public opinion. That is not the way in which a Government can deal with a question of this sort. It is the duty of an Administration to have a policy on such subjects, and having that policy distinctly to avow it, and take the responsibility of submitting it to Parliament.

Earl FITZWILLIAM said, that he was in hopes that no further debate would have taken place after the speech of the noble Earl (the Earl of Derby); for he was of opinion that after he had, in so ample, frank, and honourable a manner explained to the House the position in which he stood, the consideration which had induced him to undertake this great task, and the difficulties of the situation in which he was placed, the noble Earl should have been the only speaker. He lamented that his noble relative (Earl Grey), instead of taking a comprehensive view of that speech, had chosen to single out from it one particular topic, and that the most exciting. Their Lordships might well deem that that was a question upon which he felt no little interest; for he believed that he was, in both Houses of Parliament, the very first person to attack the ancient—no, not the ancient—but what he might call the mediæval system of commercial legislation. But he thought that the speech of the noble Earl was not entitled to be animadverted upon in the way in which it had been by his noble relative. He thought that a better system than the present might be devised; but he doubted whether, even after the noble Earl had collected the sentiments of the intelligent public on the subject, it would be advisable to endeavour to revise it. There were many wise laws which wise men would not undertake to propose at all times; and he ventured to express a fear (although he thought that there was a great error in the view which his noble relative took of the effect which a duty would produce upon the price of corn) whether, under the circumstances of the country, and after the people had for some time enjoyed the benefits derived from a virtual abrogation of duty, and tasted the sweets of cheap bread, they could be induced to submit to the smallest imposition of duty even for the purposes of revenue. He entirely dissented, however, from the position of his noble relative (Earl Grey), that whatever duty was imposed upon a quarter of foreign corn, raised the price of every quarter of corn grown at home by exactly the same amount. That fallacy had been promulgated by two different parties. One party promulgated it because it suited their interests when addressing the audiences assembled in the Free Trade Hall, Manchester, and when they were bidding for the support of the manufacturers and the great masses of the people; while another set of Gentlemen, who had now taken possession of the Ministerial benches, also propagated it for their own purposes while they were bidding for the support of the farmers. The result was, that that fallacy, as he believed it to be, had made a very great impression on the community. He thought it would be difficult for even the most critical opponent to find much fault with the other parts of the noble Earl's speech. The noble Earl correctly, and with great clearness, stated the duty of this country to foreign nations; and he (Earl Fitzwilliam) trusted that in the administration of the Government he would adhere to the principles, and act upon the maxims, which he had declared in his speech. There was one subject on which he had heard the remarks of his noble Friend (the Earl of Derby) with great satisfaction. He quite agreed with him that it would not do for the Government of this country to be every few years tampering with its constitutional rights. He heard, therefore, with great satisfaction that the noble Earl did not intend to proceed with a certain measure which had been introduced into the other House of Parliament, for the purpose of what was called a further reform in Parliament. He (Earl Fitzwilliam) thought these further reforms in Parliament most dangerous. He believed that if this question were to be agitated every ten or twenty years, the quiet and sensible part of the people would imbibe a great indifference to the popular franchise. He believed that if these changes were to be introduced, a very large section of the community would be of opinion that it would be much better to live under a mild and tranquil despotism. Well, he did not say all of the people; but a very considerable portion of them would prefer living under a mild and tranquil despotism, than to have these incessant discussions upon constitutional rights, and the constant change of those rights. He rejoiced to have the assurance of the noble Earl that this exciting question was not to be renewed by him. With respect to the Government generally, he trusted that the noble Earl who had been called on to form an Administration would be allowed to have proper time, and would not be pressed into a precipitate declaration of the precise principles upon which his Government was to be conducted, or the particular measures which they intended to propose to Parliament. He should also much regret to see any of that sort of opposition given to the Government which they might not in that place call factious opposition, but to which the public out of doors would be disposed to attach such a character.

The Marquess of CLANRICARDE said, he could not help rising to utter his protest against the censure which the noble Earl (Earl Fitzwilliam) had just thought fit to cast upon his noble Friend lately at the head of the Colonial Department, for the very judicious and, in his mind, perfectly justifiable comments he had made on a most important part of the speech of the noble Earl (the Earl of Derby). The noble Earl complained that his noble Friend had not taken a comprehensive view of that speech. Now he should very much object to such a course, because, if taken, it would lead to a very wide and extended discussion, which he thought on that occasion it would be best to avoid. At the same time, after the peculiar language and peculiar views held by the noble Earl opposite, he considered it perfectly right in his noble Friend near him to express the sentiments he did; and in those sentiments he (the Marquess of Clanricarde) cordially concurred. He would remind the noble Earl and the House that the question referred to had not been first brought before Parliament by his noble Friend or by the late Government, but that the noble Earl opposite (the Earl of Derby) on the very first night of the Session thought it so necessary that the Government of the country should have an opinion on the subject, that he blamed the omission of such a matter in the Speech from the Throne. It was not mentioned in Her Majesty's Speech or in the Address in answer thereto; but the noble Earl thought it necessary to declare his opinion that it ought to have been noticed, and that with the price of corn which then ruled, the cultivation of wheat in this country must cease to an alarming and a dangerous degree. Well, if that was the opinion of the noble Earl on the first night of the Session, was it wonderful that when he came forward that night to make an exposition of the principles of his Government, the peculiar language he had used should be remarked upon by his noble Friend? Why, what was the language of the noble Earl? As he understood it, the noble Earl declared that his opinions remained unchanged, and when he had got a majority in his favour he would act upon them; but that until he had obtained that majority he would not act upon them; in other words, so long as the majority was adverse to his views, the present laws should continue unaltered; but that as soon as the majority went round to him, the laws should be changed. Now, he said that such language as that, coming from the head of a Government, would involve every transaction affected by these laws in incalculable uncertainty and embarrassment. Passing from that point, he must next say that, although he agreed with the main part of the doctrine laid down by the noble Earl (the Earl of Derby) with regard to the intercourse between the Government of this country and foreign nations, there were yet some remarks that had fallen from him which, just at this particular moment, he had not heard with great satisfaction. Neither was he entirely satisfied with the mode in which he had treated another subject on which the Government ought to be more frank and explicit, but which the noble Earl had touched extremely lightly—namely, the state of what he had himself termed, on the first night of the Session, "the Protestant securities" of this country. On the opening night of the Session the noble Earl went out of his way to declare on that subject, that either the law as at present constituted was defective, or that the late Government were deficient in energy in their administration of it. The natural inference that might be drawn from these expressions was, that the present Administration intended to alter the law, or to administer it in a different spirit from their predecessors. He hoped, however, that no such inference could justly be drawn, and he hoped so particularly for the success of the Administration of the noble Earl opposite (the Earl of Eglinton) who, he understood, was to govern Ireland; and he was greatly relieved to hear that as yet all the Government intended to do with regard to Protestant interests was to render aid and assistance to plans of Church extension. If he did not agree with other of the noble Earl's remarks, this was not a good time for entering into them; but he must, in conclusion, repeat that, looking at the importance of all the transactions of this country, it was highly essential that his noble Friend should have expressed the opinion entertained by himself and by many others on the same side of the House, that a subject of this gravity should not be left in abeyance in the indefinite manner now proposed, but that it would be better, as soon as they had given it due consideration, to come forward and frankly and fairly avow the opinions of the Government.

The Earl of ABERDEEN said: My Lords, I wish to state very shortly the impression which the speech of my noble Friend (the Earl of Derby) has made upon my mind. Although the noble Earl below me (Earl Grey) has expressed very much the sentiments which I entertain, yet there are one or two points on which I wish to offer a few remarks. My Lords, long and intimately connected as I had been with the eminent man (Sir Robert Peel) whose untimely fate we all deplore, and whose loss, in proportion as the difficulties of the country increase, we shall have more and more cause to lament, I think this is not an unfitting occasion—the very first which presents itself—for me to declare a determined adherence to his policy, and the resolution, as far as in my humble power lies, to carry out the great system of commercial policy which he established. My Lords, I have no right or title to speak authoritatively for others; but I shall be much surprised and disappointed if all those who supported him, with me, in establishing that policy, shall not be found to entertain the same sentiments as I now express. My noble Friend (the Earl of Derby) has described the principles upon which he considers the policy of the country on commercial matters should be guided; and he has on other occasions as well as to-night drawn a distinction between customs duties imposed for the purpose of revenue, and those imposed for the purpose of protection. The distinctions between these duties are, I confess, not very intelligible to me. They appear to me shadowy and unreal; but at all events with me, they have no application, for I am equally prepared to oppose the imposition of a duty upon corn, whether for the purposes of revenue or protection. My Lords, I think the time is past when any such tax can ever again be levied. I consider the system established by my late right hon. Friend to have been most eminently successful; and I am convinced that the persistance in that system will render its wisdom more plain, and its benefits more apparent. I therefore take this, the earliest opportunity of declaring my firm adherence to the policy of that legacy which he left behind him. I do not think it necessary to enter further into the other topics of the speech of my noble Friend. I have already adverted to that point on which I am totally at variance with him; and as far as I know there is no other subject with regard to which I may not hope to offer him my support. In all that portion of his speech which relates to the policy to be pursued towards Foreign Powers, I entirely acquiesce. My noble Friend and I have acted together for the last ten or twelve years, both in and out of office, in full concert and communication on those subjects, and I am not aware that there is any shade of difference between us in that respect; and in all that he has said to-night I fully concur. On the other portions of his speech I will make no observation, nor do I think that any is called for at this moment. I can assure my noble Friend that I am aware—fully aware—of the great difficulties with which he is encompassed, and he may rely on receiving from me, whenever it lies in my power, the most cordial and the most sincere support.

Lord BROUGHAM: I hope the noble Lord at the head of the Government will have no objection to agree to the proposition that I am about to make, namely, that we should not adjourn longer than is absolutely necessary, and that there is nothing to prevent us from meeting next week upon judicial business. Our sittings have already been interrupted — I am aware, almost unavoidably so; but I think that, if possible, we ought to meet next week for causes. There is another thing I wish to know from my noble Friend. He has stated, clearly enough, that all subjects are to remain for a certain time in abeyance, with only one exception, that of questions relating to social improvement. Now I hope and trust he included under the head " social improvement," that great and most important subject, the amendment of the law. I have no doubt that he meant so to include it; but I think he did not mention it by name. With respect to the conversation on the subject of the corn laws, I wish that it could have been avoided, and I do not mean to enter upon it even for a moment — not that I differ at all from my noble Friend near me upon that great question (Earl Grey); and of his alarm I for a moment partook, from what was stated by the noble Earl. But I think I heard something more than my noble Friend can have done, which at once quieted my apprehensions; for I think the noble Earl stated that these were his individual opinions, but that whether the Government were prepared to act upon those opinions, or to introduce measures grounded upon them, must depend upon what is the general opinion of the country — to which proposition I entirely accede, and would be the first myself to subscribe. How that general opinion is to be taken—[*A laugh*]—at what time it is to be taken, I am not aware. I certainly do not think I have said anything to excite mirth, for I understood the noble Earl to say, and I was happy to hear it, that a dissolution in the present state of affairs was out of the question; and that the opinion of the country being only obtained by a dissolution, the appeal to it must, of course, be postponed till that event. In the meantime, whatever other measures do not depend on that event, and do not depend on the opinion of the country, such measures (I understood the noble Earl to say) will be proceeded with. I repeat that I hope he meant that the amendment of the law is among those measures; for it is a subject which, if it ought not to stand the very first amongst questions of " social improvement," at least ranks second to no other.

The Earl of DERBY replied: I have to thank the noble and learned Lord for affording me an opportunity of explaining more clearly my meaning. With regard to the question of law reform, I think I did state, as I certainly intended to state, that, exclusive of those great party questions in which it is notorious that the Government are in a minority, and which they would, therefore, only bring forward with the certainty of defeat—exclusive of those more exciting topics, we shall propose to Parliament to deal with those great measures generally called for by the country—legal reform and social improvement; and I am sure that my noble and learned Friend the Lord Chancellor, when he has taken his seat in this House, will apply his vigorous powers of mind to the consideration of that subject, and the promotion of those objects which were recommended by the Chancery Commissioners in their Report. With regard to the subject of the adjournment of this House, I am about to propose that the House should only adjourn, as usual, till Monday next; and on that day it may be seen whether it is not possible to proceed with the judicial business. In the meantime, your Lordships will understand, that if the House sits, it will only sit for the transaction of judicial or of private business; and that no matter of more general interest shall be dealt with while the House of Commons finds it necessary to adjourn until the re-election of the Members of the Government who have seats there.

Lord BROUGHAM: Doubtless the House, without a formal resolution, will come to the understanding which the noble Earl has stated, not to proceed with any thing but private business.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, February 27, 1852.

MINUTES.] NEW MEMBER SWORN.—Sir Brook William Bridges, Baronet, for Kent (Eastern Division).

NEW WRITS.—For Buckingham County, *v.* Right Hon. Benjamin Disraeli, Chancellor and Under Treasurer of the Exchequer; for Midhurst, *v.* Right Hon. Spencer Horatio Walpole, Secretary of State; for Droitwich, *v.* Right Hon. Sir John Somerset Pakington, Baronet, Secretary of State; for Stamford, *v.* Right Hon. John Charles Herries, President of the Board of Control; for Oxford County, *v.* Right Hon. Joseph Warner Henley, President of the Committee of Privy Council for Trade and Plantations; for Essex (Northern Division), *v.* Right Hon. William Beresford, Secretary at War; for Abingdon, *v.* Sir Frederick Thesiger, Attorney General; for Colchester, *v.* Lord John Manners, First Commissioner of Works and Public Buildings; for Portarlington, *v.* Francis Plunkett Dunne, Esquire, Clerk of the Ordnance; for Kildare, *v.* Lord Naas, Chief Secretary to the Lord Lieutenant of Ireland; for Dublin University, *v.* Joseph Napier, Esquire, Attorney General for Ireland; for Enniskillen, *v.* James Whiteside, Esquire, Solicitor General for Ireland; for Londonderry County, *v.* Thomas Bateson, Esquire, Commissioner of the Treasury; for Buckingham Borough, *v.* Marquess of Chandos, Commissioner of the Treasury; for Chichester, *v.* Lord Henry Charles George Gordon Lennox, Commissioner of the Treasury; for Lincoln County (Southern Division), *v.* Right Hon. Sir John Trollope, Baronet, Commissioner for Administering the Laws for the Relief of the Poor; for Lincoln County (Northern Division), *v.* Right Hon. Robert Adam Christopher, Chiltern Hundreds; for Dorset, *v.* Right Hon. George Bankes, Judge Advocate General; for York County (East Riding), *v.* Hon. Arthur Duncombe, Commissioner of the Admiralty; for Tyrone, *v.* Lord Claud Hamilton, Treasurer of Her Majesty's Household; for Wenlock, *v.* Hon. George Cecil Weld Forester, Comptroller of Her Majesty's Household; for Cork County, *v.* Maurice Power, Esquire, Governor of St. Lucie.

PUBLIC BILLS.—1° Burghs (Scotland).
2° Personal Estates of Intestates.
3° Commons Inclosure.

BOROUGH OF HARWICH.

MR. BRAMSTON said, he rose to move that a new writ be issued for the borough of Harwich, that seat having been declared vacant by a decision of a Committee of the House. He was aware that the hon. and gallant Member for Westminster (Sir De L. Evans) had given notice of his intention to move that no new writ be issued for the borough in question without due notice having been previously given. He had heard that the hon. and gallant Member did not intend to persist in his Motion. If this report were correct, he (Mr. Bramston would have the less difficulty in proposing the present Motion; but he had not the least desire to take the House by surprise, and if it should be the general feeling that the Motion was premature, he would have no objection to postpone it for a fortnight.

Motion made, and Question proposed—

> "That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a New Writ for the electing of a Burgess to serve in this present Parliament for the Borough of Harwich, in the room of Robert Wigram Crawford, esquire, whose Election has been determined to be void."

SIR DE LACY EVANS said, that the hon. Member (Mr. Bramston) was in error in supposing that it was his (Sir De L. Evans') intention to withdraw the Motion of which he had given notice. He had no such intention. He believed the borough in question to be one of the most corrupt, if not the most corrupt, in the kingdom, and he did not think that a new writ should be issued for the borough without the most deliberate consideration. However, he had no desire to take any course that might be considered as throwing obstacles in the way of the new Government, which would be in opposition to the general feeling of the House; and he would be guided altogether by the amount of support he might receive. It was his own opinion, and he was happy to think that it was an opinion in which many hon. Gentlemen around him were disposed to concur, that it was desirable that such an investigation should be instituted into the abuses and malpractices which had so long prevailed in Harwich as would effectually put an end to them. There was a very strong feeling on his side of the House upon the subject of that borough; and this being the case, however desirous he might be to avoid raising any obstructions in the way of the recently appointed Government, he was compelled to oppose the Motion of the hon. Member for South Essex. He (Sir De L. Evans) had given notice that he would, on an early day, call attention to the borough of Harwich, in the hope that an inquiry on the subject would illustrate the very objectionable practices resorted to at elections there, and in other boroughs. He had hoped to have been able to have made such an exposure of evil practices as would have induced the noble Lord, recently at the head of the Government, to introduce into his new Reform Bill some provision which might have the effect of removing one of the greatest stains upon our representative system. He was grieved to be obliged to say that there were many corrupt boroughs in England, but there were strong grounds for believing that Harwich was the most corrupt of all. It was a decaying town—falling off in wealth, and wasting away in population; and there was this remarkable peculiarity about it, that the number of voters increased in proportion with the poverty and progressive ruin of the town. This fact alone was sufficient to awaken suspicion and justify inquiry. It was his own opinion that so universal and so deep-rooted were corruption and bribery in Harwich, that there was but one method of putting an end to such practices, and that was by disfranchising the borough altogether. They might depend upon it there was no other mode of abating the nuisance. There was scarcely such a thing known as an election in Harwich which was not followed by an inquiry before a Committee of that House; but the worst of it was that when the Committee had once seated or unseated the Member petitioned against, there was an end to the matter, and the House did not care to institute any further investigation into the prevalence of corrupt practices in the borough. He looked on the present Motion as ill-timed and unnecessary, and would move as an Amendment that the writ be suspended for six months.

Mr. BERNAL OSBORNE, in seconding the Amendment, said, that regard being had to the changed circumstances of public affairs, he was sure that the House would give credit to the hon. Gentleman the Secretary for the Treasury (Mr. Mackenzie), who had just moved for certain writs, for declining to move a new writ for the borough of Harwich. Although it might not be known to many Members on the Ministerial side of the House, it was not the less notorious out of doors, that the present Solicitor General (Sir F. Kelly) intended to present himself before the immaculate electors of that borough; and he held in his hand an address to that right hon. Gentleman from certain of the electors of that borough, inviting him to come down to that purest and most estimable of constituencies. He therefore was not surprised that the hon. Gentleman the Secretary for the Treasury should not have moved for a new writ for that unhappy place; but he certainly was not a little amazed that the hon. Member for South Essex (Mr. Bramston), who knew so well what Harwich was, should have done so. That hon. Gentleman could not be ignorant of the state of Harwich, for he was one of the most prominent Members of the Committee appointed in 1841 to inquire into the affairs of that depraved and degraded borough. Many inquiries had, from time to time, been instituted respecting the electors of Harwich, but he (Mr. B. Osborne) would not go further back than to the Commission of 1842. The Commission appointed in that year had presented a Report which was eminently worthy of the attention of the House. They stated that three petitions had been presented against the return of Mr. J. Attwood and Mr. Beresford on the ground of bribery and corruption—that arrangements had been entered into by the agents of those gentlemen, which had been carried into operation by their principals, to the effect that Major Beresford should retire within a month, by accepting the Chiltern Hundreds—that Sir Denis Le Marchant should be allowed to retain his seat—and that Mr. J. Attwood should guarantee the fulfilment of these stipulations by the payment of 2,500*l.* The Commission, moreover, had had it in evidence from Mr. J. Attwood himself, that he had paid 2,000*l.*, and they also discovered that one of his agents had been so obliging as to pay 500*l.* more. The Report then went on to state that the election of Messrs. Attwood and Beresford had cost 6,300*l.*—that thirty-three voters had received for their votes sums varying from 50*l.* to 100*l.* a piece, and that the great majority of the whole constituency had been bribed. That was in 1842. And what occurred in 1847? Why, in 1847 a Committee of that House declared that J. Attwood, Esq. had not been duly elected to sit for the borough of Harwich, having been by his agents guilty of bribery; and the noble Lord who had just accepted the office of Treasurer of Her Majesty's Household (Lord C. Hamilton) had been very eloquent, a few evenings ago, about the corruptions which were proved to have prevailed at St. Albans, and had even declared that, in his opinion, Mr. Coppock would have been treated just as he deserved had he been called to the bar of that House to answer for his misconduct—a course which he (Mr. B. Osborne) regretted was not persisted in. But such a proceeding would not have remedied the evil of which the noble Lord complained; for what was Mr. Coppock but one of the effects of their present Parliamentary system? Did the noble Lord (Lord C. Hamilton), a member of the Carlton Club, forget that Mr. J. Attwood was a member of that club? Did it occur to the noble Lord to take his name from the list of members of the club because Mr. J. Attwood, who had bribed more boroughs than any one of Her Majesty's subjects, was also a member? Away, then, with all these impurities, and away with the mock modesty which shrunk from the task of bringing the guilt home to the real offender. Why should they pursue and persecute the unfortunate Coppock, and spare the man who could subscribe to a magnificent club—give splendid dinners and entertain his friends? Such conduct he did not hesitate to stigmatise as pretended purity and mock modesty. It was to be hoped that, if the noble Lord recently at the head of Her Majesty's Government should ever again come into office, he would destroy, not conglomerate, such boroughs as Harwich. In 1841 there were 180 voters in that borough. The population since then had greatly decreased, and yet they were told that the number of electors at the present moment was no less than 282. Surely this was, to say the least of it, exceedingly suspicious. He hoped that the House would assent to the Motion for suspending the writ for six months, and he trusted that the day was not far distant when the inestimable borough of Harwich would be erased from the list of places entitled to send representatives to Parliament.

Amendment proposed—

"To leave out from the word 'that' to the end of the Question, in order to add the words 'the Writ for the Borough of Harwich be suspended for six months,' instead thereof."

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. FERGUS, as a Member of the last Harwich Election Committee, upon whose Report the present vacancy had occurred in the representation of the borough, said it was perfectly true that the decision of the Committee rested upon a technical point with regard to the time of closing the poll; but he could safely appeal to any man who had sat on that Committee to place his hand on his heart and say whether he was not convinced, from the facts which were elicited in the course of the inquiry, that the most fraudulent and iniquitous practices had been carried on in the borough; and that those practices were so habitually familiar to the inhabitants and electors as not even to create surprise amongst them, but rather to be regarded as a part of the legitimate proceedings at every election. It was proved that voters were abducted, and that treating to a most extraordinary extent prevailed at the last election. Bribery was not, however, shown to have existed; but it was well known that that was an offence which it was extremely difficult to establish before Committees of that House. With regard to the question now under consideration, he thought it would be a more dignified course, at the same time that it would be more in accordance with the wishes of the public, if a Commission similar to the one which was issued for St. Albans last year, were appointed to investigate the case of Harwich. He was satisfied there was not another borough in the kingdom in which corruption and fraudulent practices had been more widely prevalent. Moreover, it was universally acknowledged, and not denied; and he believed that no service the House could render would be more acceptable to the country than the appointment of such a Commission, which he felt assured would arrive at the same result as in the case of St. Albans.

MR. GRENVILLE BERKELEY said, he had sat on the previous Election Committee for Harwich, and it was his opinion, formed on the evidence given on that occasion, that the evil in that particular case was only to be cured by disfranchisement.

SIR ROBERT H. INGLIS said, the vacancy in any borough ought of right be filled up the moment it occurred. The rule was, where a Committee of that House had not recommended disfranchisement, or any other ulterior proceedings, as in the case of Harwich, that the House would not interfere to deprive the electors of the right, given to them by the Constitution, of sending Members to that House. He was not for affording protection or encouragement to bribery: far from it; but he did not think that they would be justified in withholding the writ from any borough against which bribery and corruption had not been distinctly proved by the judgment of that House. He would ask hon. Members who now sought to disfranchise Harwich, what had become of all their virtue during the last Session of Parliament? He trusted he should be pardoned for saying it, but the fact was, that unless the writ had been moved for with a view to serve the purposes of a candidate attached to Her Majesty's present Government, they would have heard of no opposition to the writ from those who now opposed it. ["Oh, oh!"] Then, why was not a Motion brought on last year for sending a Commission? He simply contended that the Committee empowered to investigate the matter reported that the sitting Member ought to be unseated, but did not recommend any ulterior proceedings; and he thought, as there was no record on the table of the House showing any grounds on which the borough of Harwich ought to be disfranchised, they were bound, consistently with the ordinary rules of the House, to concur in the Motion that Mr. Speaker be directed to issue his writ.

MR. HUME said, he could not refrain from expressing his surprise that his hon. Friend who had just addressed the House should have risen to be the advocate of corruption. He was sure his hon. Friend would be obliged by a correction of the statement, that if the Ministers who were lately in power had remained in office, no such proceeding as that proposed respecting Harwich would have taken place. Notice was given on the subject last Session, and notice was given this Session; and he had himself put a question whether steps would not be taken by the Government for the issue of a Commission? They who wished to see rotten boroughs disfranchised, and an end put to corruption, expected in the coming reform that the borough of Harwich would be one of the first to be dealt with. The late Ministers had sanctioned the course of not issuing the writ. The hon. Gentleman (Mr. Bramston) who had moved for the writ should have waited till the Ministers of the Crown were in their places. Ministers would have had a glorious opportunity of showing how far they were determined to support such practices as had prevailed in Harwich. The hon. Gentleman was, he (Mr. Hume) knew, as hostile to such practices as any one, and would, he hoped, yield to the opinions intimated by the House, and abstain from pressing the Motion.

MR. AGLIONBY objected to the continued suspension of writs without steps being taken for inquiry. The constitutional way of proceeding would have been to have had a Commission issued long ago. On this point he held himself to be as free from the charge of encouraging corruption as any Member of the House. It was not right for the House to encourage this unconstitutional mode of proceeding against suspected or convicted boroughs. They ought to take the manly course of disfranchising the borough if they had evidence of its corruption; but, since they had altogether failed in obtaining sufficient legal evidence, however strong the moral evidence might be, of bribery or corruption on the part of the borough of Harwich, he protested against their withholding the issuing of the writ. He would ask whether, at the last two elections for that borough, there had been a tittle of evidence to sustain the charge of bribery? He believed there was no proof at the last election or the one before, of either bribery or corruption.

SIR HENRY WILLOUGHBY said, he had sat upon the Harwich Election Committee, and he could state that the evidence produced referred only to the premature close of the poll, in consequence of a riot, and not at all to bribery or corruption. Therefore there was no ground of proved malpractices to justify the refusal to reissue the writ. But he also objected to the Amendment before the House, on the ground that the practice of suspending writs was most unconstitutional. If the House allowed the principle, the result would be, on occasions, to place in the hands of a tyrannical majority a most unconstitutional power.

MR. CHISHOLM ANSTEY believed that the practice of the House in the case of transferring the franchise from one borough to another, was to consider what had taken place in that borough, not at one election only, but at all preceding elections. That was the rule applied to the borough of St. Albans. At the same time, he considered it very unconstitutional to suspend the issuing of a writ for any borough, and to take no steps for purifying that borough. But, voting for suspending the issuing of the writ, as he should do in this instance, he should do so upon the understanding that Harwich would be dealt with in the same spirit in which St. Albans had been. He could not help agreeing with the hon. Member for Montrose (Mr. Hume) that this was a glorious opportunity for Her Majesty's present Ministers, which it appeared they had failed to take advantage of. They should have come forward at once and proposed an inquiry into the practices not only at Harwich, but at Stafford, at Malton, and in several other boroughs where there would have been found practices that required to be dealt with quite as much as with Harwich itself.

MR. KER SEYMER could state, as Chairman of the first Harwich Election Committee, that no evidence had been given to justify a report that bribery and corruption had been proved. If this Amendment was carried, the mover of it would be bound to call upon the House to issue a Commission; and in the event of a Commission for Harwich being appointed, he (Mr. K. Seymer) would feel it his duty to ask the House to appoint another Commission to inquire into the state of affairs at Leicester at some recent elections. He had sat on the Leicester Committee, and the report of that Committee had been that the bribery proved to have been practised at Leicester required the attention of the House.

SIR GEORGE GREY thought that as such different opinions had been expressed by different Members of the Harwich Election Committee, with regard to the character of the evidence produced in this case, it would be advisable for the House not to come to any conclusion without being well informed as to the precise facts. He believed that on a former occasion it was clearly understood, at the suggestion of the present hon. and learned Judge Advocate, that the writ for Harwich should not be moved for without forty-eight hours' previous notice being given. The hon. Gentleman opposite (Mr. Bramston), however, had moved that the writ be issued; and the hon. Gentleman was understood to say that he would not take the House by surprise, but that, if any opposition should be offered he would at once withdraw or postpone his Motion. At least, if the hon. Gentleman pressed his Motion, the best course would be to adjourn the debate for a fortnight. He (Sir G. Grey) had not understood from the observations of hon. Members who had sat on the Harwich Election Committee, that gross corruption had been proved to prevail at Harwich: if, however, that were so, the House should certainly be called on to issue a Commission. But under present circumstances he thought the discussion had better be postponed.

SIR De LACY EVANS understood that sufficient evidence of corruption in the borough of Harwich had been adduced to prevent the present Judge Advocate from moving for a new writ. He (Sir De L. Evans) would give notice that if the House suspended the issuing of the writ, he should move for a Commission of Inquiry.

MR. BRAMSTON said, he had entertained no intention whatever to take the House by surprise, and he should not have moved the issuing of the writ, if he had not understood from the hon. and gallant Member for Westminster (Sir De L. Evans) that he merely wished to make some remarks upon the question, without opposing the Motion. He (Mr. Bramston) admitted that he was a Member of what was called the "Roebuck Committee" of 1841, when the state of Harwich and other boroughs was inquired into; but the House had no right to concern itself now with what took place in 1841. Upon receiving a communication from some of the electors of Harwich, requesting him to move a new writ, he at once felt it to be his duty to look into the decisions of the two last Harwich Election Committees, and the result of his investigations was, that in the case of the inquiry which took place before the Committee of April, 1851, he found that Mr. Prinsep was deprived of his seat for want of the property qualification required by Act of Parliament; and that in the recent instance Mr. Crawford was unseated because a riot took place in the town which brought the poll to a premature conclusion. No mention of bribery or corrupt practices was made by the Committee in their Report, or any recommendation for the issue of a Commission of Inquiry; but the Committee contented themselves with simply stating the facts to which he referred as grounds for a fresh election. In cases of bribery and corruption, he (Mr. Bramston) was as ready as any man could be to visit boroughs and even counties with the punishment such an offence deserved; still it was due to those boroughs that they should not be punished without evidence to convince the House of the guilt they had incurred. Having satisfied himself by consulting the Reports of the two last Committees that bribery was not proved or imputed against the borough of Harwich by those Reports, he felt that he was doing no more than his duty as one of the Members for the county of Essex when he acceded to the request which was made to him, and moved for the issue of a new writ. He would not, however, press his Motion further at this moment.

MR. ELLIS begged permission to refer to one point in the remarks of the hon. Gentleman (Mr. K. Seymer) opposite. He begged to assure the hon. Gentleman, whatever might have been the scenes at Leicester at the period at which the hon. Gentleman had sat on the Leicester Committee, that, at the last election, he (Mr. Ellis) and his hon. Colleague had been returned for Leicester without the expenditure of a single shilling. And all he could say was that if Leicester should ever again be in the predicament in which she once was, he would be among the first to urge the appointment of a Commission of Inquiry.

Amendment and Motion, by leave, *withdrawn.*

LONDON NECROPOLIS AND NATIONAL MAUSOLEUM BILL.

Order for Second Reading read,

COLONEL CHATTERTON moved that the Bill be now read a Second Time.

MR. FORBES MACKENZIE considered that it would be better to postpone the Bill until some Minister was present, as it was much more of a public than a private measure.

MR. HENRY DRUMMOND trusted the House would not consent to any postponement of the measure. No question of local or general interest was involved in this Bill, but the promoters, he should show, contemplated a direct fraud on the public. The prospectus put forth by them informed the public that they had already obtained 2,600 acres of land for the purposes of the Necropolis. Now, he could assure the House they had done no such thing. All they had done was to go to Lord Onslow and offer him 35,000*l.* for his manorial rights over the land in question; but they had consulted no one else who had any interest in the land. Their allegation, therefore, was not true. The prospectus, which he held in his hand, was full of tropes and figures. The promoters told us they had a soil well adapted for the purposes of interment. Now, his idea on the subject was, that any soil in the world in which a ditch could be dug was adapted for the purposes in question. ["No, no!"] At all events, he thought any would be as favourable as the "dry yellow sand" of Woking Common. In another part of the prospectus the ground was declared to be "favourable to the rapid and vigorous growth of appropriate vegetation"—cypresses and forget-me-nots he supposed; and the promoters seemed so fond of this sort of language, that they went and told the noble Lord who was late the head of the Government the same story. The writer of the prospectus in another part declared that the situation of the proposed Necropolis was so delightful that "solitude herself might here find retirement;" that the land possessed "an undulating surface," which meant, of course, that there were little vales and little hills; and this was in order that "the head of the humble may be laid low in the glen," that "the ashes of the world's favoured ones may be mingled with the dust of the mound, and the sculptured marble on the height proclaim the end of earth's greatness." Then it was stated that "the footsteps of commerce would not cross the pathway to the tomb," or profane this hallowed spot. But this was the fraud of which he complained. The promoters intended to take powers to purchase 2,600 acres, while they themselves calculated that 400 would be necessary for the purposes of the cemetery; and they proposed to let on building leases the remaining 2,200 acres as a mere commercial speculation.

SIR JAMES DUKE was not answerable for the language of the writer of the prospectus to which the hon. Member for West Surrey had alluded; but he knew that the hon. Member himself frequently indulged in such tropes and figures. The real question, however, was, whether this was a scheme deserving of public support? It seemed difficult, in this great metropolis, to find necessary burial grounds; and if a number of gentlemen were associated together, and obtained the grant of a large tract of land, which they proposed to devote to the purpose he had mentioned, without any compulsory clause whatever, he did think it was a scheme which was well deserving the favourable consideration of that House. He could assure the House that he had no interest whatever in the scheme; he had only been called upon in his official position as Member for the City of London to accompany the deputation which had waited on the Prime Minister; but if the hon. Member for West Surrey, or any other Gentleman, entertained objections to any of the clauses in the Bill, the promoters, he believed, would be quite ready to submit to any regulation which the Committee might lay down to carry out that object. He believed, also, that the promoters had no intention whatever to devote the ground in question to purposes of speculation; at all events, he trusted the House would take care not to allow anything of that kind; and he would willingly agree to any postponement of the Bill, with a view to give hon. Members an opportunity of examining it, and of having their doubts removed.

Mr. HENRY DRUMMOND said, that in the 11th clause of the Bill it was distinctly stated that it was proposed to devote the remainder of the ground purchased to purposes of building speculation.

Mr. J. BELL said, when he saw the opportunity offered of removing the nuisance of intramural interment, he hoped the House would not hastily determine on discarding that opportunity. It was well known that the Metropolitan Interment Act had proved inoperative, and he trusted therefore that the House would not discourage private enterprise in this, as in other undertakings. He hoped that the second reading of the Bill would be affirmed, and that the company would be bound down by such clauses as would insure that public benefit which they declared would result from the scheme. The 11th clause of the Bill was one common to every railway or other Bill which had for its object the enclosure of land. He trusted that the House would lend its encouragement to a measure which had for its object the abatement of a great public nuisance.

Viscount EBRINGTON would object to any Bill of this sort for making the burial of the inhabitants of this Christian country a purely commercial speculation. What had been stated of this Bill would not lead the House to draw a very favourable conclusion with regard to it; and he appealed to such Members of the new Government as were present whether, in the absence of the higher and more responsible Ministers, it was right that they should be committed to support so large and important a Bill as this, which, in fact, reversed the policy already deliberately adopted by Parliament with regard to this question.

Mr. MOWATT said, the subject could not be disposed of in this offhand manner. Every one agreed that there was an absolute necessity for making provision for interments without this great city. The late Government had announced that their Bill was a failure; but yet the noble Lord who had just spoken seemed to think it a shocking idea to leave burials in the hands of private individuals. Were we, then, to leave the dead to bury the dead? It was all very well to condemn the present plan; but the noble Lord ought to have stated what better one he proposed. With regard to the noble Lord's objection to making the interment of the dead a matter of commercial speculation, he would like to ask him when was it, or how could it be otherwise? What was the profession of an undertaker? He was sorry to say that clergymen had made the dead a matter of speculation, and there was not a cemetery in the metropolis where a clergyman did not claim a fee for interment. In the absence of any more rational objections than he had hitherto heard, he should vote for this Bill on principle, without knowing its particular merits, trusting that they would be fully gone into.

Mr. MANGLES said, he did not object, and the people of Woking did not object, to a moderate portion of the common land being taken for the purpose of this Necropolis; but this Bill proposed to take every acre of common land, and either convert it into a cemetery or to private purposes. He never saw such a clause in his life as the 11th clause of this Bill, which rendered it lawful for the company to dispose of either by public auction or private arrangement, in fee-simple or on lease, all or any part of this land not required for the purposes of the company; and, wanting only 400 acres of land for their cemetery they yet applied for power to purchase 2,600 acres, in order that they might speculate with the surplus. The opponents of this Bill were the small freeholders and copyholders of Woking living around the common; and it was futile to suppose that men in such humble circumstances could incur the cost of opposing this Bill in Committee. The fact was, the scheme was a great job, and he should move the postponement of the measure.

Amendment proposed, "To leave out the word 'now,' and at the end of the Question to add the words 'upon this day six months.'"

Question proposed, "That the word 'now' stand part of the Question."

Colonel CHATTERTON defended the promoters of the Bill, who, he said, were guided by the most liberal principles. All the metropolitan Members were, he believed, favourable to the scheme, together with several of the parishes. He therefore hoped the measure would not be rejected.

Mr. BETHELL said, the House had now ascertained the reason of the course which had been taken by the copyholders. They had readily assented to the principle of the measure, and had never commenced any opposition until the bargain which they had attempted to make had failed; but surely it would be a matter of deep regret if the House permitted parties to come there and oppose the second reading of so important a Bill, simply because they had been baffled in making a bargain. Allusion had been made to a silly prospectus which certain persons had issued; but, really, what had that to do with the matter? Then, again, as to the rights of the copyholders; the fact was, there was no one with whom a contract could be made, except the lord of the manor. He was the only proprietor, and the rights of the copyholders were only a subject for compensation. Exceptions had been taken to the clause enabling the company to re-sell any portion of the land they had taken but which they did not require for the purposes for which they were established; but there was not a single Railway Act, nor a single Act for purposes similar to those contemplated by this Bill, which did not contain a similar enactment. Indeed, without such a clause it would be impossible to dispose of a single particle of land which the company had bought, but which they might not want.

SIR DE LACY EVANS hoped the House, when they recollected the dreadful evils which arose from intramural interment in the metropolis, would not prevent the Bill from going into Committee.

LORD ROBERT GROSVENOR said, his constituents were deeply interested in the question of providing fit and proper places for the interment of such persons as died in the metropolis; and he should be very sorry if he appeared to oppose a measure that promised to remedy, to a certain extent, the evils of the present system. At the same time he thought that on a measure of such importance they should wait until some responsible Minister was in the House. They ought surely to know what were the views of the Government, and therefore he trusted the hon. Gentleman would consent to postpone the second reading for a fortnight, when they would be able to learn if the Government were prepared to propose any measure dealing with the whole subject. At the same time he must inform the hon. Gentleman who had said that the whole of the copyholders were opposed to the Bill, that that was not the case. He (Lord R. Grosvenor) had had a correspondence with some of them, and they stated that their only objection was that they had not been promised sufficient compensation. He begged, therefore, to move that the debate be adjourned.

Motion made and Question proposed, "That the Debate be now adjourned."

MR. HUME would remind the House of the pressing necessity that existed for the measure, there being no fewer than 58,000 human beings who required interment in the metropolis every year. Last Session the Government, in opposition to the opinion entertained by him (Mr. Hume) and many other hon. Gentlemen, who would have preferred leaving the matter to private enterprise, had taken the subject into their own hands. They had failed, and now that a Bill was once more brought in, he would not consent to refer the matter again to the Government. As to the compensation due to the copyholders, that was a matter for the Committee.

MR. HENRY DRUMMOND said, that if this was merely a question of making a cemetery, there would be no dispute or difficulty about the matter. When the hon. and learned Gentleman near him (Mr. Bethell) gave an opinion of law, it would ill become him (Mr. H. Drummond) to dissent from him; but when the hon. and learned Gentleman favoured the House with a fact, he should like to examine that fact a little. He should like him (Mr. Bethell) to quote a single instance amongst all the railways, where they took 2,600 acres, and only intended to use 400. He asserted it was not a cemetery company. They meant to make their money by their building leases, and it was in fact a building society under the mask of a Necropolis.

Question put.

The House *divided*:—Ayes 92; Noes 104: Majority 12.

Question again proposed, "That the word 'now' stand part of the Question."

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Bill read 2°, and *committed*, and referred to the Committee of Selection.

ADJOURNMENT OF THE HOUSE—THE MAYNOOTH GRANT.

MR. FORBES MACKENZIE moved that the House, at its rising, adjourn until Friday, the 12th of March.

MR. HUME said, he supposed this was to allow time for the returns, and therefore he should not object to the Motion, but he hoped that hon. Members would have an opportunity given them of presenting the petitions which they had received within the last few days.

Mr. SPOONER said, he did not rise to oppose the Motion for adjournment, but he wished to make a few observations with reference to a matter which was somewhat personal. It would be in the recollection of the House that he had given notice, on Monday last, that he should postpone his Motion on the subject of the grant to Maynooth to an early day after Easter. That notice had been received by hon. Members who then sat on his side of the House with very unequivocal marks of a nature such as to lead to the inference that he had altered his plans, and was about to give up his Motion. He would, however, at once put hon. Members out of pain by assuring them that he had not altered his opinions, and had not changed his determination, neither did he see any reason why he should do so. He certainly did not expect that his Motion would receive any opposition from Her Majesty's present Government. He could not pretend to say what course the Government would take on the question, but it would be contrary to his expectations if they should oppose him, the more especially as in last Session of Parliament the then Lord Stanley, now Earl of Derby, made use of the following words in the House of Lords. [Mr. Hume: He was not in office then.] Lord Stanley said—

> "I do not hesitate to say, that you ought now to consider fully and deliberately, dispassionately, temperately, but at the same time firmly, the whole of the difficult question of the relation in which the Roman Catholic subjects of this country stand to the Crown." [3 *Hansard*, civ. 29.]

All that he (Mr. Spooner) asked for was inquiry, and he asked for it upon the ground of this fact, that the relations of Roman Catholics to the Crown stand at present in a very different position from what they did a short time ago. He was one of those who, though a general supporter of the late Sir Robert Peel, had always done the best in his power to oppose the endowment of the College of Maynooth. He had, therefore, nothing to retract or to regret in now coming forward and asking that that grant should cease; but he also felt that those who formerly voted otherwise need not be under any difficulty at present, for they must see that the whole conduct of the Roman Catholic hierarchy had completely changed since the endowment was given. If there had been any understanding whatever that this endowment should continue, it was plain that it was intended it should be received as a mark of kindness towards the Roman Catholics, and that it was expected in return that at least the original objects of the Maynooth foundation should be carried out. What were those original objects?

Mr. CHISHOLM ANSTEY rose to order. He begged to ask if the hon. Member was in order in bringing forward the question of the grant to Maynooth, on the Motion that the House should adjourn till the 12th of March?

Mr. SPEAKER said, it was "in order" and usual for any hon. Member to address the House on a Motion for adjournment.

Mr. SPOONER said, that the adjournment was often moved by hon. Members for the sake of addressing the House, and by no one had such a Motion been oftener taken advantage of than by the hon. and learned Member for Youghal. The original object with which Parliament had granted the endowment to Maynooth was, to provide ministers of religion better instructed and with more kindly feelings towards the State. He would ask whether they had had any proof whatever that the College of Maynooth had provided ministers of the Roman Catholic religion more nationalised in temper and views, and less hostile to the Established Church? He, therefore, thought that whatever understanding there might have been, that understanding had been completely annulled by the subsequent conduct of the Roman Catholics. He had the great authority of the late Sir Robert Peel for inquiry into this question. On the 23rd of June, 1840, that right hon. Baronet said, in the House of Commons—

> "I cannot agree that the system of education carried on at Maynooth is a matter of indifference to the Legislature. I think that the system pursued at Maynooth is a legitimate subject for the consideration of Parliament; and it would be an abandonment of duty for the House of Commons to avow the doctrine which would allow us to say to the Roman Catholic professors—here is the money, we are pledged to grant it—do with it as you please—inculcate doctrines subversive of order, and injurious to morality: we cannot interfere." [See 3 *Hansard*, lv. 57.]

He (Mr. Spooner) charged the system carried on at Maynooth with being at the same time subversive of order and injurious to morality, and he should be prepared to support that charge at the proper time. If he did not expect opposition to his Motion from Her Majesty's Government, still less did he expect it from Roman Catholic Gentlemen, because he did firmly believe—and living, as he did, on terms of friendly intercourse with many Roman Catholic families, he had reason to know—that great ignorance prevailed amongst the members of that persuasion with respect to the doctrines that were taught, the principles that were inculcated, and the books that were used, at the College of Maynooth. If Roman Catholics would but give themselves the trouble of inquiring, instead of taking for granted what they were told by the priests, there was not one amongst them who would not cry out to have that system abolished, or brought into such a state as they themselves, as honourable and independent men, could desire. Since he gave notice of bringing forward this question before the House, it had been his duty to inquire more particularly into the system taught at Maynooth, and he would affirm, without hesitation, that that system not only did what the late Sir Robert Peel told them they would be justified in guarding against, namely, teach doctrines subversive of order and injurious to morality, but also that it inculcated principles and doctrines completely antagonistic to the word of God. [*Cries of* "Question!"] He could only attribute that cry of "Question" to a flinching from assertions that could not possibly be contradicted. He would repeat the assertion, that Maynooth inculcated doctrines antagonistic to the holy word of God; that it put the priests in the place of God, and exalted the Church above the Saviour; and that it inculcated principles and taught doctrines so horrible in themselves, that any nation that gave its money and its authority to support such a system was guilty of a great national sin, which would, if persisted in, certainly draw down great national judgments. He knew that he should be called a bigot, and should encounter the ridicule of some persons for the course he intended to pursue; but he would say, as a Member of that House, that he had diligently examined the subject, and was prepared to prove every word that he had asserted, and he dared not flinch from what he considered to be his duty, lest he should be guilty of being ashamed of Him who had said that those who were ashamed of Him and of His word, of them would He also be ashamed before His Father in Heaven. He would merely add that he should avail himself of the first opportunity to bring this question before the House. It was his intention to ask for a Committee to inquire into the system of education carried on at Maynooth, and he pledged himself to prove the assertions which he had used, and to show that they were founded on facts that could not be controverted.

MR. CHISHOLM ANSTEY said, that after the long discourse—and he used the term in an ecclesiastical sense—of the hon. Gentleman who had just resumed his seat, he thought that, in his joy at a change of the Ministry, he had intended to move as an Amendment to the Motion made by the Secretary for the Treasury, namely, that the House should adjourn for a fortnight, that the House should continue sitting *de die en diem*, investigating the system of education pursued at Maynooth, and the merits of the works of Ligueri, De la Hogue, and Peter Dens. He (Mr. C. Anstey) was sorry that the hon. Gentleman did not mean to proceed with his Motion until after Easter, and then only if the Government did nothing on the subject.

MR. SPOONER was sure the hon. and learned Gentleman did not mean to misrepresent him, but he had distinctly stated that it was his intention to bring on the Motion after Easter.

MR. CHISHOLM ANSTEY: The hon. Gentleman meant to go on in this or some other Parliament after Easter. If the hon. Gentleman would carry out his proposal to its legitimate consequences, and bring in a Bill to repeal the Maynooth Act, he (Mr. C. Anstey), and he believed many hon. Members, Protestants as well as Roman Catholics, might support him, on the ground that it was inexpedient to give support to religious establishments out of the resources of the State. The hon. Gentleman spoke from behind the Treasury bench. If not in office it was merely because he had refused office, and no doubt his sentiments on this subject might be considered those of the Government. Maynooth, as a public establishment, would, he was persuaded, court inquiry. He did not know whether the hon. Gentleman was in order in denouncing, in the way he had, judgment upon those who differed from him in religious opinions; but that he had erred in good taste in so doing, few, he believed, would deny. He did not interrupt the hon. Gentleman, for he thought the most prudent course was to give him rope enough. He had now had as much rope as the indulgence of the House would permit, and he (Mr. C. Anstey) thought that he had used it so as to hang himself most effectually.

Mr. GRATTAN said, his object in rising was to entreat that this discussion might not go on; and he now hoped that it would be allowed to close. The hon. Gentleman (Mr. Spooner) had given notice of his intention; he might be right or he might be wrong in doing so; but at all events, if they were to part, let them part in peace. He hoped that hon. Members would now be allowed to present petitions. The hon. Member (Mr. Spooner) must be a most courageous man to speak in the way he had done; he reminded him (Mr. Grattan) of a great personage described by Milton, who from

> "His horrid locks shook pestilence and war."

Mr. NEWDEGATE wished to state that the Government had nothing whatever to do with the notice of his hon. Friend (Mr. Spooner). His hon. Friend had never been offered office, and, therefore, the idea which seemed to be insinuated that there was some difference of opinion between the Government and him had no foundation whatever. He would bring the Motion forward entirely on his own responsibility.

Mr. B. OSBORNE was quite ready to believe that on whatever side the hon. Member for North Warwickshire (Mr. Spooner) sat, there was no measure of intolerance and bigotry that he would not advocate. He gave him, therefore, the most perfect credit for sincerity. Without, however, adverting to the subject of Maynooth, he should like to know whether the Secretary for the Treasury (Mr. G. A. Hamilton), who he observed had just left the House, intended to persevere in the Motion he had put on the paper for a modification of the national system of education in Ireland, so as to make it accord with the convictions of the members of the Irish Established Church? The House ought to know whether the hon. Member intended to act upon that notice, or whether, as was too often the case in that House, it was one of those notices which were given in opposition, and dropped when the Opposition came into office?

Mr. ROCHE said, that if evil effects arose from discussing these questions in the House, the responsibility must rest with those who introduced them. Religious questions, above all others, should be dealt with in a straightforward and manly manner. And as the hon. Gentleman (Mr. Spooner) found many supporters of his opinion in the country, he (Mr. Roche) hoped he would bring the question before Parliament at an early day. It was important to know the opinions of Her Majesty's Government on the subject; but when he looked at the appointments, particularly the law appointments, there could be little doubt on the matter. The Attorney General and the Solicitor General for Ireland were steeped to the lips in opinions which he believed to be unfounded prejudices, and were determined to interfere with the religious liberty of Roman Catholics in that country. The Secretary of State for the Home Department, and the new Attorney General for England, were the most strenuous supporters of the Ecclesiastical Titles Bill in its most stringent form, so that the Roman Catholic body of England had not much favour to expect from them. He had no objection to have this question discussed on its broad and general bearing. The hon. Gentleman complained that 30,000*l.* was given to support Maynooth by a Protestant State, whilst they were supporting in Ireland a Protestant Church which cost 800,000*l.* a year.

Mr. EWART said, that the hon. Gentleman (Mr. Spooner) might fix a day for his Motion, as there was a ballot that night for notices. If the hon. Gentleman put his name on the balloting paper, he would have a chance of an early opportunity to do what he so much desiderated. The hon. Gentleman was in a glowing state on this important question, and it was better that his ardour should not cool.

Motion *agreed to.*

The House adjourned at half after Eight o'clock, till Friday, 12th March.

[A List of the Ministry formed by the Earl of Derby is given on the following page. The acceptance of office by those Members of it who were also Members of the House of Commons necessarily vacated their seats: they were all re-elected, with the exception of the Chief Secretary for Ireland.]

THE MINISTRY.

IN THE CABINET.

First Lord of the Treasury	Right Hon. Earl of Derby.
Lord Chancellor	Right Hon. Lord St. Leonards.
Chancellor of the Exchequer	Right Hon. Benjamin Disraeli.
President of the Council	Right Hon. Earl of Lonsdale.
Privy Seal	Most Hon. Marquess of Salisbury.
Home Secretary	Right Hon. Spencer Horatio Walpole.
Foreign Secretary	Right Hon. Earl of Malmesbury.
Colonial Secretary	Right Hon. Sir John Somerset Pakington, Bart.
First Lord of the Admiralty	Most Noble Duke of Northumberland.
President of the Board of Control	Right Hon. John Charles Herries
Postmaster General	Right Hon. Earl of Hardwicke.
President of the Board of Trade	Right Hon. Joseph Warner Henley.
First Commissioner of Works and Public Buildings	Right Hon. Lord John James Robert Manners.

NOT IN THE CABINET.

Commander in Chief	Most Noble Duke of Wellington.
Master General of the Ordnance	Right Hon. Viscount Hardinge.
Paymaster of the Forces, and Vice-President of the Board of Trade	Right Hon. Lord Colchester.
Secretary at War	Right Hon. William Beresford.
Chancellor of the Duchy of Lancaster	Right Hon. Robert Adam Christopher.
Joint Secretaries of the Treasury	William Forbes Mackenzie, Esq., and George Alexander Hamilton, Esq.
Secretary of the Admiralty	Stafford Augustus O'Brien Stafford, Esq.
Under Secretary for the Home Department	Sir William Hylton Jolliffe, Bart.
Under Secretary for Foreign Affairs	Lord Stanley.
Under Secretary for the Colonies	Right Hon. Earl of Desart.
Secretaries of the Board of Control	Charles Lennox Cumming Bruce, Esq., and Henry James Baillie, Esq.
Lords of the Treasury	Marquess of Chandos, Lord Henry George Charles Gordon Lennox, and Thomas Bateson, Esq.
Lords of the Admiralty	Rear Admiral Hyde Parker, C.B., Rear Admiral Phipps Hornby, C.B., Captain Sir Thomas Herbert, K.C.B., Captain Hon. Arthur Duncombe, and Captain Alexander Milne.
Clerk of the Ordnance	Colonel Francis Plunket Dunne.
Attorney General	Sir Frederick Thesiger, Knt.
Solicitor General	Sir FitzRoy Kelly, Knt.
Judge-Advocate General	Right Hon. George Bankes.
Chief Poor Law Commissioner	Right Hon. Sir John Trollope, Bart.

SCOTLAND.

Lord Advocate	Right Hon. Adam Anderson.
Solicitor General	John Inglis, Esq.

IRELAND.

Lord Lieutenant	Right Hon. Earl of Eglintoun.
Lord Chancellor	Right Hon. Francis Blackburne.
Chief Secretary	Right Hon. Lord Naas.
Attorney General	Right Hon. Joseph Napier.
Solicitor General	James Whiteside, Esq.

QUEEN'S HOUSEHOLD.

Lord Steward	Most Noble Duke of Montrose.
Lord Chamberlain	Most Hon. Marquess of Exeter.
Master of the Horse	Right Hon. Earl of Jersey.
Master of the Buckhounds	Right Hon. Earl of Rosslyn.
Vice-Chamberlain	Right Hon. Viscount Newport.
Treasurer of the Household	Right Hon. Lord Claud Hamilton.
Comptroller of the Household	Right Hon. George Cecil Weld Forester.
Chief Equerry and Clerk Marshal	Right Hon. Lord Colville.
Mistress of the Robes	Duchess of Athol.

HOUSE OF LORDS,

Monday, March 1, 1852.

Pursuant to the arrangement of the 27th February, no public business was brought forward. After transacting the judicial and private business on the paper, House adjourned to Thursday next.

HOUSE OF LORDS,

Thursday, March 4, 1852.

MINUTES.]—The Right Hon. Sir Edward Burtenshaw Sudgen, Knight, having been appointed Lord Chancellor, and being present — *Sat Speaker.*

THE LORD PRESIDENT acquainted the House, That Her Majesty had been pleased to create The Right Honourable Sir Edward Burtenshaw Sugden, Knight, Lord Chancellor of Great Britain, a Peer of this Realm, by the Title of Baron Saint Leonards; and his Lordship, having retired to robe, was introduced (in the usual Manner), and took the Oaths.

Pursuant to the arrangement of the 27th February, no public business was brought forward. After transacting the judicial and private business on the paper, House adjourned till To-morrow.

HOUSE OF LORDS,

Friday, March 5, 1852.

Pursuant to the arrangement of the 27th February, no public business was brought forward. After transacting the judicial and private business on the paper, House adjourned to Monday next.

HOUSE OF LORDS,

Monday, March 8, 1852.

Pursuant to the arrangement of the 27th February, no public business was brought forward. After transacting the judicial and private business on the paper, House adjourned till To-morrow.

HOUSE OF LORDS,

Tuesday, March 9, 1852.

Pursuant to the arrangement of the 27th February, no public business was brought forward. After transacting the judicial and private business on the paper, House adjourned to Thursday next.

HOUSE OF LORDS,

Thursday, March 11, 1852.

Pursuant to the arrangement of the 27th February, no public business was brought forward. After transacting the judicial and private business on the paper, House adjourned till To-morrow.

HOUSE OF LORDS,

Friday, March 12, 1852.

MINUTES.] *Sat first.*—The Marquess of Bath, after the Death of his Grandfather.

PUBLIC BILLS.—1ª Commons Inclosure; Law of Wills Amendment.

THE POLICY OF THE NEW GOVERNMENT —A DUTY ON CORN.

LORD BEAUMONT gave notice that, on Monday next, he should present a petition to their Lordships, complaining of the injury which the petitioners suffered in consequence of their uncertainty as to the intentions of Her Majesty's Government with regard to the importation of foreign corn; and, in presenting that petition, he should avail himself of the opportunity to ask the noble Earl at the head of the Administration, whether or not it was the intention of Her Majesty's Government to recommend to Parliament any alteration in the present policy with reference to the importation of foreign corn as soon as the opinion of the country could be taken, and another Parliament assembled?

The EARL of ESSEX would venture to detain their Lordships a few moments, while he expressed his regret that indisposition on the evening when the noble Earl at the head of Her Majesty's Government stated his views and intentions to the House prevented him from then saying how cordially he agreed with what fell from the noble Earl near him (the Earl of Aberdeen), when he declared in so frank and straightforward a manner how entirely unchanged were his opinions in regard to the commercial policy transmitted to us by that great and eminent man Sir Robert Peel. The noble Earl, on that occasion, expressed his belief, that few or none of those who then followed the standard of the right hon. Baronet had since changed their opinions on that subject. He (Lord Essex), for himself, at least, could truly aver that such was the case—that the opinions he had at that time deliberately adopted, he had not since seen reason to repent of or to recall. On the contrary, with the noble Earl, he believed many benefits had arisen from the adoption of that policy — many as regarded agriculture, many more as regarded the country at large. And, although he frankly admitted that those benefits had not been unaccompanied by much distress and anxiety, yet he believed that had arisen, not so much from those measures themselves, as from the not unnatural alarm and uncertainty dependent on such a great and extensive change; and also from other causes, which he would not then detain the House by dwelling upon. In regard to all general questions he would most gladly give his humble and most disinterested support to Her Majesty's Government, as he would to any Government be it Whig or Tory, whenever he felt he could do so with perfect and entire satisfaction to himself. When he could not do so, he should, as he had hitherto done, as freely withhold it. Most gladly would he give it to a Government in any measures they might bring forward for the relief of the agricultural interest, by removing from them or alleviating any of those burdens which might be proved to press unduly or exclusively on them. Most firmly, most constantly, would he oppose them, should they endeavour (which he prayed Heaven they might not) to reimpose any duties on corn, now or at any future time, be they great or small, whether under the name of revenue, or under that of protection. The time was, he believed, when a small fixed duty, had it been accepted, would have been beneficial to all parties, and scarcely injurious to any. That time he thought was irretrievably past, and any such attempt now, by keeping men's minds in a disturbed and unsettled state, could only tend to mischief, and to neutralise or indefinitely to postpone the full measure of those benefits which he conscientiously believed had arisen, and would continue to arise, from the adoption of a liberal commercial policy and the abolition of the corn laws.

LAW REFORM.

LORD LYNDHURST said, he wished to call the attention of their Lordships to various important measures connected with the reform of the law, then pending in the other House of Parliament. He was induced to take this step partly by a report which had gone abroad of what had passed at a certain gathering which had occurred yesterday, and partly, also, by a report of what had passed at a congregation of certain agitators—he used that term because they assumed it themselves—assembled for the purpose of endeavouring, by the influence of large numbers, and by the parade of pecuniary subscriptions, to enforce, if possible, the speedy termination of the existing Parliament. Now, it was evident that if this Parliament should terminate in April, it would be impossible for the future Parliament to reassemble for serious business till the close of June or the commencement of July, and, in that case, all those measures for the reform of the law to which he had referred, or, at least, the greater part of them, must be inevitably postponed to another Session. Such a result would be considered by the nation at large as a great misfortune. And, first, with regard to the private business before Parliament, it happened that it was much heavier this year than on any former occasion. Already 250 Bills of a private nature were before Parliament. Their Lordships were not to consider that those Bills merely related to private individuals. Some of them applied to local districts of considerable extent—others to local societies or associations, involving pecuniary interests to an enormous extent. He, therefore, left it to their Lordships to consider the great mischief and inconvenience which would accrue from postponing measures of this description to another Parliament, and the great delay and expense which would be occasioned in consequence. He passed, however, over this as a matter, comparatively speaking, of little importance. He would request the attention of their Lordships to public measures of the deepest importance; and, first, as to that most important measure for the reform of the Court of Chancery on the footing recommended in the report of the recent Commission. Their Lordships were aware that the public looked to that measure with eager and intense interest. Now, the Bill for carrying that measure into effect was at that moment in progress of preparation under the auspices of his noble and learned Friend on the wooksack, who was in every way so well qualified to insure success for it; and he (Lord Lyndhurst) was convinced that if no abridgment of the usual length of the Session took place, it would come into operation as law before the close of it. But if the Session should be curtailed, and if Parliament should be dissolved in April, then, from the multiplicity of details incident to such a measure, it would be impossible to procure its being passed now, and it would of necessity be postponed to another year. He could not conceive any greater disappointment of the public mind; it would naturally be considered as a great public misfortune. There was another measure of scarcely inferior importance at that moment in the House; he meant the Bill for the Amendment of Procedure in the Superior Courts of Common Law at Westminster. Their Lordships were no doubt aware that a considerable transfer of business from the Superior to the County Courts had recently taken place. They must also be aware, if they reflected on the subject, as he knew that they had done, that the establishment of sixty independent tribunals must give rise, and had given rise, to many conflicts of opinion, and to much uncertainty of decision. The object of the Bill to which he had just referred was to simplify the proceedings of the Superior Courts, and to render them less expensive, in order that they might serve as models and guides to the inferior courts. A perfect judicature had two objects in view; not only the administration of justice in the causes brought before it, but also the laying down of certain rules to regulate transactions between man and man, and to avoid the evils of expensive litigation. A third measure of great importance was a measure which had passed through the House of Commons in the last Session—he meant the Charitable Trusts Bill. Throughout the country, in every portion of it, there existed a number of small charities, involving property to an immense amount, but individually they were so small as not to be worth pursuing in any court of justice. It had been considered important to establish a cheap tribunal to remedy the abuses to which such small charities had been found liable. The Bill to which he referred was introduced on the report of a Commission appointed by the Crown, and was well calculated to rectify those abuses—a Bill called for by all classes of Her Majesty's subjects, and now in such a state as would enable it to become in a few months the law of the land. There was also another measure of importance to which he must advert, as involving the interests of a numerous class of persons—as, for instance, all parties connected with machinery, with civil engineering, and, indeed, with science in all its branches—he meant the Bill for improving the law regarding Patents for Inventions. Their Lordships were doubtless aware that the present mode of deciding on and of granting these patents was open to various objections—it was ineffectual—it was attended with enormous expense—and it checked the very object for which it was established. For the purpose of remedying these evils, a Bill had been introduced into that House, but had been lost in the other House of Parliament last Session, owing to the lateness of the period at which it arrived there. His noble and learned Friend on the opposite benches (Lord Brougham) had introduced a corresponding Bill into their Lordships' House that Session. It had been read a first time already; but no other proceedings had yet been taken upon it. The Vice-President of the Board of Trade of the late Government (the Earl of Granville) had promised on a late occasion to lay another Bill for the same object on the table; but that promise had not yet been performed. It was of great importance to all the classes whom he had just mentioned that a measure of that kind should become the law of the land as soon as possible. From the very nature and character of the Bill it could not become so, if any interruption was given to the Session by a dissolution; whereas, if no such interruption took place, it would be very easy to make it law before their Lordships separated. Then there was the Registration Act. That Bill would take the usual course if a dissolution were not forced on by proceedings out of doors. There was also another most important measure, which he could not leave out of consideration at present—he meant the system for the military defence of the country. A most important consideration indeed this was. Every one admitted that the present state of our military defences was defective. The present system was not sufficient to protect us from insult or invasion; it was not sufficient to support the authority and influence of the country with foreign States. It was, therefore, necessary, for the honour and dignity of the country, that a remedy should be applied to its defects as speedily as possible. The late Government had indeed introduced a Bill to accomplish that object; but, somehow or other, that Bill had been the ostensible cause of its retirement from office. He conceived it to be impossible for any man who felt for the honour and dignity of the country to press for the dissolution of Parliament without having that question settled. Now, such a measure could not be passed without legislation; and he must state that any man who, under such circumstances, should force the Government to a dissolution would be guilty of weakness, folly, and indifference to the public security, such as, he was sure, would never meet the approbation of their Lordships. The law measures to which he had previously referred were merely samples of the reforms which were now in contemplation; but there were other questions behind them of much importance. There were the questions of sanitary reform, of water supply to the metropolis, of extramural interment, of the registration of assurances. There was also a Bill in the House of Commons for the further relief of suitors in the Court of Chancery. All these measures would be lost or postponed to another Session, if this Session were to be curtailed in April. He must also refer to another circumstance of no mean importance, namely, the administration of justice in their Lordships' House. There were a vast number of appeals now standing for judgment. Their Lordships had already sat many weeks, and had made but very little impression on the list. If two months were now unexpectedly taken out of the midst of the Session, these appeals must stand over till another year. He left their Lordships to judge of the anxiety and distress which would thus be occasioned to suitors, and of the delay and expense which would be their inevitable result. The principles of the constitution provided that as little delay as possible should occur in the administration of justice. He, therefore, called upon their Lordships to treat these circumstances with the consideration which they deserved. There was one circumstance which affected this metropolis, and this metropolis alone, which ought not to be left entirely out of view while speaking on this subject. The tradesmen of the metropolis did not like a dull season and an unproductive harvest. In the course of last year there was the Great Exhibition; but the harvest which they reaped from it was not an abundant one. If you stopped the Session now, before it had reached its middle term, you would add greatly to their loss, and would throw a great pressure on a very respectable and valuable class of men. The combination of all these facts pressed heavily on his mind, and he must say that a dissolution of Parliament under such circumstances would, in his opinion, be a great national calamity. If any man from personal feelings, or factious motives, or party or political interests, should press forward such a dissolution, he was quite sure that he would excite the indignation and resentment of all sober-minded and intelligent members of the community. His Lordship then moved for a return of the number of Private Bills then pending in the House of Lords.

The LORD CHANCELLOR said, he rose to state the intentions of Her Majesty's Government with respect to the various measures for a reform in the law which had been recently brought under the notice of Parliament. He believed there never was a time when a man who had reform of the law at heart had a better opportunity than the present for carrying his views into effect. It was not only that the cause of law reform was supported by the general opinion out of doors, and by the nation at large, but even within the Parliament on this subject there was no division of parties. Her Majesty's late Government, and the law advisers of that Government, were quite as anxious and ready as he could presume to be in endeavouring to carry into effect measures for a reform of the law; and he felt confident that as he had been at all times ready to give his humble assistance towards carrying any legal measure that would tend to advance the public good, he should now have as full a measure of support as he himself had been at any time ready to render to others. But in bringing forward the measures to which he was about to refer, he wished most carefully to guard himself from the imputation that he was taking credit to himself for those measures. Those measures really emanated from the recommendations of the several Law Commissions—commissions which had been wisely sent forth, and wisely executed by learned men in whom the confidence of the country had been justly reposed; and these recommendations had been to a considerable extent matured by the subsequent consideration of noble and learned Friends. So far, therefore, though the Government was ready to adopt those measures, they could not take credit for originating them; but assuredly this credit he might take for the Government, that he believed no set of men ever existed who were more warmly disposed to facilitate, or more anxious to carry into execution, measures for a reform not only of our judicial institutions and proceedings, but of the laws which affected property, and which in affecting property affected the happiness and the home of every man. One measure to which he would refer, was called the Suitors in Chancery Relief Bill. That was a Bill which was now in the House of Commons. It greatly curtailed the number of officers usually in attendance on the Lord Chancellor; it lowered the salaries of those officers who remained; and it ratified the determination of the late Government to diminish by one third the amount of the salary paid to the Lord Chancellor himself. That Bill was not yet before their Lordships, and he should be sorry to bind himself to every letter of its provisions; but he readily bound himself to every portion of it that affected him (the Lord Chancellor) either personally, or in reference to any office to which he had the appointment. He had not appointed, nor did he intend to appoint, to any office which it was proposed to abolish by that Bill; and as to those offices which were retained, he should adhere to the precise scale of allowances which was laid down in that Bill, as much as if it were already the law of the land. As regarded the Lord Chancellor, he would make one observation. He had stated to their Lordships the reduction which had taken place in the Chancellor's salary. To that he made not the slightest objection; but he hoped that not only he himself, but his successors, might have the moral courage not to attempt to surround themselves with the state and circumstance which had been deemed becoming their office under different arrangements, but would accommodate themselves to the altered position in which they were placed by Parliament. There was one other circumstance regarding the Chancellor and his judicial labours to which he would advert. It was supposed that, because the Lords Justices had been appointed, the Lord Chancellor had now so much time that there was no longer any pressure upon him. The appointment of the Lords Justices had indeed removed from the Lord Chancellor one pressure—a most painful pressure—which every man in such a position must feel who devoted himself to the discharge of his duty ardently and sincerely. It was, that of sitting in the House of Lords upon appeals, and knowing that the suitors in Chancery were neglected—or of sitting in that Court, and knowing that the suitors at their Lordships' bar were neglected, and that their cases could not be heard. The Chancellor of the present day would not have that painful feeling to struggle with, because he knew that whilst he was sitting in their Lordships' House, the business of his own particular court was being conducted by able and enlightened Judges to the satisfaction of the suitors. But it should be known that the Chancellor was not relieved from the arduous duties and responsibilities which were still incident to his office, in the discharge of which he must always find his time fully occupied six days in the week, "from morn till noon, from noon till dewy eve." He did not therefore know that the Chancellor had by this measure obtained any personal relief from labour. He would now call their Lordships' attention shortly to a Bill which had been mentioned by his noble and learned Friend (Lord Lyndhurst); that for the amendment of Procedure in the Courts of Common Law, brought into the House by his noble and learned predecessor. That Bill was without doubt a Bill of the utmost importance, and so far from any impediment being thrown in the way of it, it was now before a Committee of their Lordships' House; and the noble and learned Lords who were upon that Committee had but one object in view, and that was to adapt it to the public good, and to make it consistent with the report of the Commissioners. In reference to that Bill there was no difference of opinion, except such as would of necessity arise on the details of all large and important measures. There was another and most important measure to which the attention of the country was directed, and wisely directed—he meant the Bill for improving the jurisdiction and procedure of the Court of Chancery. That was indeed a measure of very great importance, and had long been justly called for by the country. The whole subject was referred by the Crown to a body of very able and learned Commissioners, who had made an elaborate and excellent report upon it; and he (the Lord Chancellor) had understood that a Bill had been prepared in pursuance of their recommendations. He found, however, no trace of such a Bill, but that the work yet remained to be done. He had received within the last two or three days a sketch of the heads of so much of the proposed Bill as related to the Masters' Offices. He should feel it his duty to introduce such a Bill, or, if the details required it, more than one Bill into their Lordships' House, and to take charge of and endeavour to carry it or them into execution as speedily as possible. A long course of practice had made him well acquainted with this subject, and he should willingly fall in with the stream, which was now leading them, he hoped, to a safe conclusion. The great object was to dispose of the Masters' Office. The Masters' Office had never given satisfaction. This was owing partly to the nature of its jurisdiction; and partly to the fact that the Masters wanted this great power, namely, the power to compel parties to proceed with their matters without delay. Hence arose extensive and unnecessary loss of time, for which the suitors themselves were really responsible, though the blame was charged upon the Masters' Office. The great proposal of the Commissioners was the abolition of the Masters' Office; and those who understood the subject knew that the difficulty was not in abolishing the Masters' Office, but in providing a substitute for it. The proposition absolutely was—and he had never objected to it—to abolish the Masters' Office. He believed that the abolition of the Masters' Office was at the root of all reform; but in abolishing the Masters' Office it would be necessary to consider how and in what manner it should be effected. In the sketch that had been furnished to him, it had been proposed that after a certain day to be named in the Act, the Masters should cease to exercise their functions and should retire on their full salaries. That was a matter which required great consideration; and as at present advised, he thought it was his duty to make such use of the Masters themselves as would tend to the better administration of justice as long as they received their salaries. How then was this to be done? The Masters were men of high character, and performed high judicial functions; and nothing would be more unjust and nothing more repugnant to the feelings of Her Majesty's Government than to do any act which would have the effect of lowering or degrading their dignity in the administration of justice, or of placing them in a lower range of office. He would be no party to a measure of that sort. But the Masters, or a sufficient number of them, ought to remain till the matters now before them should be disposed of. If the new system was to work well, it was absolutely necessary that the Judges should begin upon an entirely new foundation; if otherwise the system would fail. They must not have an accumulation of arrears to get rid of. They must have fair play and a fair start. The Masters, therefore, must be left, or a sufficient number of them, to dispose of the business now before them. There was a number of matters now in the Masters' Offices under the Winding-up Acts. The Masters had original jurisdiction in those matters, which occupied much time. There was no other tribunal by which the business could be executed, and they must be left to complete it. He was not certain, without further consideration, whether there were not other important duties which no Master would feel himself degraded in executing if still required to do so. Whilst the present scheme was in its infancy there might be a sufficient number of Masters left in office to superintend cases of receivership, the management of estates, and other matters of great importance which had always been within the province of the Master. Those were matters on which he would for the present reserve his opinion, for they required great consideration. But it was to be distinctly understood, on the part of Her Majesty's Government, that Masters were to be abolished; that no vacancy was to be filled up—[Lord BROUGHAM: And no new references.] That could not be avoided, for they were to finish the matters which they had now partially executed; but no references would be made to any Master in any new matter of which a Judge of the Court takes cognisance. But it would be impossible to be working two different systems of procedure at once. We could not say to one man, whose suit is already in Court, "You shall have interrogatories—you shall go before the Master;" and then say to a man who files his bill to-morrow, "You shall have no delay in your way, but shall get to your journey's end by the speediest road possible." He proposed, therefore, immediately after the Judges commenced their operation in chamber to abolish at once the whole course of proceedings now used in the Masters' Office, and that the Master should adopt the same rules as would govern the Judge in chamber. Then the question was, what was the new system to be adopted. Their Lordships were aware that by the present constitution of the Court of Chancery, the Judge transacted no business in chamber. He sat in Court, heard the cases, and gave his judgment; and it was necessary, for the due administration of justice, that the judgment should follow as speedily as might be upon the hearing. Judgments long delayed made the heart sick. If a Judge sat five hours in a day hearing cases, and gave his whole mind to the arguments of counsel, he would venture to say, that no man's physical powers were more than sufficient to answer the exigency, and to prepare and deliver his judgments thereon. The proposal was, that the Judge, who does not now go into chamber, should follow his own business into chamber; that he should have two chief clerks to assist him; that he should, if he might use the expression, become his own Master, and sit in chamber to dispose of that portion of the business which had hitherto been transacted by the Master in chamber. This, no doubt, would lead to difficulty, because, unlike the similar sittings of one Judge at Law, when the Equity Judge was in chamber his Court would be closed. He could not well approve of a proposition contained in the sketch that had been furnished to him, by which it was suggested that the Judges' clerks should have the same powers as Masters in Ordinary: that he thought was objectionable. It was proposed that they should transact the business in the present Masters' Offices, until other offices were procured; and he confessed that he saw the likelihood of bad consequences arising from that. The consequence would be that those clerks would be sitting in Southampton Buildings without any control or check; and the objections which applied to the peculiar position of the Masters' Offices would be found to attach themselves in a still greater degree to those persons who, although of a lower grade, would affect to be Masters. They would be likely to assume the same powers, and to feel an independence which was inconsistent with what he understood to be the object of the new regulation. He objected to expose them to the influence of the atmosphere of Southampton Buildings. He doubted whether the new scheme could efficiently work, unless each Judge could have attached to his court sufficient rooms, whereby he could have his superior officers under his own eye in the room next his own, and their clerks in the room next to theirs. What he understood of the new scheme was, that the Judge should not be absolved from taking care in pronouncing the decree that the minutes were properly prepared, and pointing exactly to the inquiries to be made and the accounts to be taken, and the like; and when that was done that he would go into his own chamber and direct his own chief clerk how to take the account, for example, and would assist him if during the argument any question of difficulty was raised. Suppose, for instance, in a question of heirship the chief clerk felt any pressure, he should, instead of referring it to the Judge, by making a report upon it, call the attention of the Judge to the point, and tell him what he thought. They then would talk the matter over, and the clerk would have the knowledge of the Judge to assist him, which the Master has not now. That was the way the business ought to be transacted. If the Offices were thus put on a satisfactory footing, there was every reason to hope that the scheme would work; but there should be this golden rule with regard to the working of the plan, that nothing should be heard in chamber that could be heard in Court. The present Vice-Chancellors and the Master of the Rolls, who had dedicated so much time with so much ability to the consideration of the question, were perfectly willing, for the first time since a Judge in Equity had been created, to devote their time in the manner pointed out, so as to transact not only the business in Court, but the business in chamber. He (the Lord Chancellor) hoped and trusted that this union of characters would not be found to lower the judicial character of the Judge; it was difficult, however, to find united in the same man the power of administration, if he might so call it, and the judicial powers that were necessary for the discharge of the duties that were to be performed in open Court. The man who succeeded in one department might fail in the other; but he trusted that this union of powers, by the exercise of great diligence, would bring them to a happy result. The Commissioners had made proposals on other branches of the subject which had not yet been worked out upon paper—they had made several proposals of the utmost importance, and did that which the Americans, with all their enterprise, had failed to do; they provided against unnecessary parties to suits, which led to more expense and delay than any other proceedings. The anxiety of Courts of Equity to do complete justice in every case, and to prevent the possibility of fraud, had led to the evils of which we now complain. In order to protect particular persons, and to impose additional restraints upon others, they put them to expense which turned out perhaps to be in that particular case utterly useless. It was impossible to deny, that in relaxing the system hitherto in operation, in forming a new code, and proceeding in the summary manner they proposed to do, with a new sort of evidence, it might and would open the courts to certain cases of fraud—cases which the greatest diligence could not guard against; but unwilling as he should be to allow a single case of fraud to take place, yet in the general regulation of human affairs they must have rules applicable to the generality of cases, and they could no longer, in order to guard one man against a possible fraud, expose all men to great expense and delay. The next point to which he wished to call their Lordships' attention was one of the deepest importance. The mode of examining witnesses in the Court of Chancery was by written interrogatories. The officer was called an Examiner, and before this Examiner the witnesses attended; they were asked different questions by him from the written interrogatories, and he took down their statements. It was a slow and expensive process, and it was not a satisfactory process; and what was fatal in such an examination was, that they never could effectually cross-examine the witness. As the opposite party could not know what the witness had said, they dare not attempt to cross-examine him, for by so doing they might damage their case instead of serving it. The mode of examination was unsatisfactory and expensive, and unfortunately was open to another imputation—that though it did not tend to perjury, it did not lead directly to truth. He understood it had become the practice in some quarters to give the witness his answers ready written, to enable him to deliver his answers to the Examiner. It was now proposed, and, though not without hesitation and some misgiving, he was prepared to accede to the proposition—that written interrogatories should be abolished. We were now invited to imitate the example of the United States, which was represented to us as being the most perfect system of law, the two courts of Equity and Law being blended together. The Americans had abolished their Masters, as we proposed to do; they had abolished the mode of examination and the examiners, as was also proposed to be done by us. But the Americans had not done what was further proposed to be done in this country, namely, for written interrogatories and answers, to substitute written affidavits. In the United States they had very nearly discarded affidavits—they gave no credit to affidavits—and except on a few motions they would not permit affidavits to be used; but in every common case of specific performance, for example, there was a jury sworn, and professional men and others were brought from their homes, and without any remuneration beyond a common mileage had to remain in attendance on the Court, and give their evidence. In this country it was proposed to use affidavits; and if the proposition was adopted it would be his earnest desire by every means in his power to prevent the mischiefs that otherwise would inevitably grow up from depending upon affidavits only. If interrogatories were dangerous on the grounds he had stated, it would be seen how dangerous affidavits might also be, when it was known that every affidavit was prepared by the attorney; the language was his language; he put forward the case and the points which he thought desirable, and the suitor in many cases necessarily swore to what he did not and could not know the effect of. There was also this feature in affidavits—that there never was any issue arrived at. To have an issue, was the great object of pleading and of the examination of witnesses. If their Lordships had two parties disputing before them in a common matter, they would find in all probability that neither of them understood the point in dispute; and when they had brought them to an understanding of the real point in dispute, it was very probable it would turn out that there was no dispute at all. Nothing was more difficult than to make men understand the real point for discussion in the dispute between them; and the proper object of a court of law was to bring that question to a clear issue, so that each party might understand it. It was often very difficult to do that. It would be more difficult if affidavits were to be used, and great expense must be incurred in order to get at the facts. We had formerly great experience of affidavits in Bankruptcy. The business in Bankruptcy in former times had been wholly conducted by affidavits; he had never seen larger briefs nor any from which it was more difficult to ascertain the point at issue, and yet it was this very system of using affidavits which was now sought to be established. In abolishing the Masters, it was worth while to see how that matter of the mode of taking evidence had been dealt with in America. The public in this country were led to believe that in the United States legal institutions are perfect, and that we have nothing to do but to imitate them. Now they had abolished the Masters in America; the Courts referred everything; and who did their Lordships think was the person who now sat constantly every hour of every day, to whom were referred all accounts and all questions of fact and of difficulty—and who was chosen above all others in those cases to act as referee, and to do the business of the old Master?—The old Master himself! He (the Lord Chancellor) had no objection to allow a reference on a scientific question to a scientific person—to an accountant, or to an engineer; but he wholly objected to a court of justice delegating to another its own duties; and in America, in case of a reference, the referee was in fact the judge in the matter. In our own well-conducted courts of justice, if a long case came into a Court of Equity, it was heard patiently and decided by the Judge; but if a long case came on in an American Court, the Judge was compelled to refer to another individual what he ought to have heard himself; and the suitor was driven by the force of circumstances, however unwilling he might be, to consent to his cause being referred, which he had a right to have heard and decided by the Court itself. Nothing could be more injurious to the public interests, and damaging to suitors, than such references. And this happened even in our own Courts of Law at *nisi prius*. It appeared from a statement made by Mr. D. Field—a gentleman possessed of considerable information on the subject—that when they began to reform the Court of Chancery in the United States, there were between 3,000 and 4,000 cases waiting to be heard, and that judgment was seldom delivered in any case until two or three years after the case had been heard. When Mr. Field was asked what the consequence would be under their new system in a long case of complicated accounts, he stated that no law could provide for that—in case there were 1,000 items, and that each was to be proved and disproved by fourteen or fifteen witnesses, it might occupy 1,000 days. It was not therefore to be supposed that intricate matters could be speedily disposed of even in America. It was desirable that they should facilitate every step in the proceedings in a Court of Equity. One of the first things which it appeared to him necessary to do, was to abolish or rescind all the present Orders of the Court of Chancery. These Orders, framed at different times by his noble and learned predecessors, though most excellent in themselves, had followed each other until the system had involved much difficulty. The best plan, he believed, would be to wholly rescind every one of the existing Orders, and to frame from them an uniform set of rules, adopting and retaining those which had worked best. If he were to go more into detail, he feared he should weary their Lordships; but holding the position he did, he had felt it necessary to make the statement which he had addressed to them, it being the wish of Her Majesty's Government that their Lordships should be early informed what their intentions generally were with regard to tho several measures which had been contemplated. The measure to which he had referred with respect to the jurisdiction of the Court of Chancery was not yet prepared; but when prepared it would be laid before their Lordships' House. The Chancery Commissioners had said at the end of their Report that the adoption of the new system might render it necessary to appoint new Vice-Chancellors. There was no step he should deprecate more; and he thought such an appointment should not be made unless there was an absolute necessity for it. They could not have an additional Judge without an additional Bar, and either the Bars would be too numerous, or, if not, and the Bar were to go from one Court to another, nothing could be more injurious to the administration of justice. Besides, if there were new Courts and the new measure were in operation, the clerks of the Judges in their chamber could not transact their business without the presence of solicitors. The more they accumulated Courts, the more business in Court would be thrown on solicitors, and they would be rendered less able to attend to the business in chamber. It was scarcely necessary for him to add another word, except to express his sincere desire to assist, with all the energy and ability he possessed, in making such amendments as would be of utility. He begged leave further to say that he had never neglected, at the expense either of time or of exertion, to improve any portion of the law that appeared to require amendment. There was a subject that required early attention, and to which he had lately called attention, namely, the necessity for reforming the law with regard to testamentary dispositions. The law with regard to those documents stood thus: they were formerly required to be signed by the testator in the presence of a certain number of witnesses; but it was held that if a man wrote his own will, and described himself at the beginning, suppose as "Edward So and so," and then proceeded with his will, that was equal to a signature at the foot of the document. From that decision no evil ever arose; but it was thought to be an anomaly that when it was intended that the name should be signed at the foot, it should be sufficient to write the name at the beginning. It was therefore required by the Wills Act passed in the first year of the Queen, that every will should be signed by the testator at the foot or end thereof, and attested by two witnesses. By the simple words "at the foot or end thereof," hundreds, nay, perhaps, thousands of wills, without a single flaw on the face of them, had been held to be void. Hundreds of such cases had occurred that never met the public eye, because the wills were thrown aside as valueless. It was decided that at the foot or end meant immediately at the foot or end, and therefore if the testator's name were appended at any distance from the end of his disposition, it made the document void. Anything more calculated to disturb the ideas of people as to the justice of the law could not be. He would give their Lordships an instance of what had been decided, in reference to the will of a son of the late Vice-Chancellor of England. He was a barrister, and was so anxious about his will, that he executed four parts of it. He wrote the will upon a common sheet of note paper down to the bottom of the first page, and filled it. He then continued to write the will on the second page, and ended the second page by appointing his executors. There was rather more than an inch of space left between that and the bottom edge; he then went to the third page and wrote "Signed by me, &c." in the presence of the witnesses. He next placed his name immediately under that statement, and there was what is called the attestation clause, that is, the clause in which the witnesses state what was done in their presence, and the witnesses put their names to the attestation clause. Yet that will was, notwithstanding, declared to be void. That was the state of the law regarding those documents, and the reform of that law was a subject that required the early attention of their Lordships. He should, therefore, lay upon the table of their Lordships' House a Bill to correct the law in this respect; and he could, in conclusion, assure their Lordships, that whenever he found a law of property operating injuriously to the community, he would use his best endeavours to correct the evil. He had ever kept a vigilant eye on the operation of our laws of property, and he begged to assure their Lordships that he should continue to do so.

Lord BROUGHAM could not delay one moment to express the great and hearty gratification which he felt at hearing the declaration of his noble and learned Friend, that he and the Government intended to adopt entirely the recommendations of the Chancery Commissioners, and to lend his own powerful assistance—for powerful and invaluable it must be—to carry into effect those most important recommendations. As to the particular details of the mode and manner in which the plan was to be executed, he (Lord Brougham) should not enter at all at present, not even for a moment; but he was rejoiced to hear the avowal of his noble and learned Friend that he was entirely of opinion that the plan of the Commissioners should, in substance, be carried honestly and entirely into full and effectual operation. He (Lord Brougham) might express some doubts upon one or more points in the beginning of the speech of his noble and learned Friend, as to the manner in which the change was to be made in the Masters' Office, and with regard to the examination of witnesses; but he would defer giving his opinion until they saw the Bill. He thought his noble and learned Friend had not exactly stated the effect of the recommendation of the Commissioners, in regard to affidavits: it was not to substitute affidavits for interrogatories generally, but only in uncontested matters; and in contested matters there should be as little of those interrogatories or affidavits as possible. If possible, the evidence should be taken by the same person who was to pronounce an opinion upon it. The principles were quite clear on this subject, unless in uncontested matters; and to save the needless expense of witnesses, all evidence should be by *vivâ voce* examination; and whenever it is possible, the Judge, who is to decide on the evidence, should himself preside over the examination. He entirely agreed with his noble and learned Friend with respect to the great defect in the law in relation to testamentary matters, and he should heartily rejoice if he could provide a remedy for it. If they passed the Bill or Bills that would be necessary to carry the recommendations of the Commissioners into effect, they would undoubtedly have accomplished a great amendment in the procedure of the Court of Chancery. He entirely agreed in the encomiums which his noble and learned Friend had passed on the Commission, which was excellently composed; and the able and learned men who gave their labour on that Commission had performed their duties with the greatest possible ability; and, in his (Lord Brougham's) opinion, with singular effect. They had acted with perfect impartiality and calmness, but at the same time with great firmness. He would also suggest that the Committee of their Lordships' House, by whom the subject was considered, was not without their share of credit. That Committee, over which he (Lord Brougham) presided, entered very largely into the matter, and received evidence of great importance, which they reported to their Lordships. There had been some difference of opinion amongst the witnesses examined. One of the Vice-Chancellors entertained great doubts with respect to the measure, which in truth is the main part of the Commissioners' Report, making the Judges work out their own causes, partly in court and partly in chamber, and with regard to abolishing the Masters' Offices; but on further inquiry that learned Judge had his doubt removed—had entirely agreed with his colleagues—and had signed the Report. If they succeeded in carrying the proposed measures through, and if the new system were brought speedily into operation, there would be an end of such abuses as he called the attention of their Lordships to last Session. They should no longer, in a cause for recovery of 500*l.*, have to pay—as a noble Friend of his, whom he did not then see in his place, had to pay—a bill of costs of 1,200*l.* They should no longer hear of a case where a suit had been going on for eleven years for the mere distribution of a fund, costing the suitors those eleven years of anxiety and vexation, and 2,870*l.* of money—of 270*l.* being expended upon behalf of an infant, in order to obtain, from time to time, an alimentary provision of not more than double that amount in the whole—of 2,000*l.* expended, and ten years' delay to obtain payment in the whole of 1,000*l.* out of a larger fund; of 90*l.* being expended in order to obtain an order in the Masters' Office (even then subject to an appeal to the Court) for a repair of 10*l.*; of 70,000*l.* to 80,000*l.* being expended for the cost of one suit, no doubt a very heavy one, involving a sum of 350,000*l.*, but of which this cost was no small proportion—the case lately stated by his noble and learned Friend near him (Lord Lyndhurst); nor of a litigation of five or six years when the whole matter in dispute was whether a party should pay 20*l.* for scandal and impertinence, in accordance with an order of the Master, the cost being 800*l.*; of which no doubt 750*l.*, the stated cost, would be paid by the party against whom the case was ultimately decided, but the remaining 50*l.* would have to be paid by the unhappy winner, who was thus 30*l.* worse than if he had sat down with the original loss of the 20*l.* These things we shall no longer have, to inflict pain upon the parties, bring contempt on the jurisdiction, and hatred on the institution from which such fruits can spring. He trusted when this great improvement was effected, that their Lordships, and amongst them his noble and learned Friend on the woolsack, would have leisure and inclination to apply themselves to further amendment of the law; and that he should not incur, in urging this, the blame of a proverbial denunciation, metrically expressed, against unreasonable persons to whom something is granted, and who wish for much more. He must strongly, amongst other things, recommend to his noble Friend at the head of the Government, and to his noble and learned Friend on the woolsack, not to allow the interposition of any longer delay in the renewal for a very limited period—for a very few months, certainly not more than a year, if so much, was all that was necessary—of that Criminal Law Commission, the fruits of whose labours had hitherto been wholly unavailable to the country, after the expenditure of many thousand pounds, and the delay of many years, although they had reported most ably and learnedly upon our criminal law and criminal procedure. This delay ought not any longer to be allowed.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, March 12, 1852.

Minutes.] New Members Sworn.—For Midhurst, Rt. Hon. Spencer Horatio Walpole; for Droitwich, Rt. Hon. Sir John Somerset Pakington, Bart.; for Stamford, Rt. Hon. John Charles Herries; for Oxford County, Rt. Hon. Joseph Warner Henley; for Essex (Northern Division), Rt. Hon. William Beresford; for Abingdon, Sir Frederick Thesiger; for Colchester, Rt. Hon. Lord John James Robert Manners; for Portarlington, Francis Plunkett Dunne, Esq.; for Buckingham Borough, Marquess of Chandos; for Dorset, Rt. Hon. George Bankes; for York County (East Riding), Hon. Arthur Duncombe; for Wenlock, Hon. George Cecil Weld Forester.

New Writs.—For Salop County (Southern Division, *v.* Viscount Newport, Vice-Chamberlain of Her Majesty's Household; for East Retford, Viscount Galway, Lord in Waiting upon Her Majesty.

Public Bills.—1° Office of Messenger to the Great Seal Abolition.

2° St. Albans Disfranchisement.

BRITISH ELECTRIC TELEGRAPH COMPANY BILL.

Order for Second Reading read; Motion made, and Question proposed, "That the Bill be now read a Second Time."

Mr. J. L. RICARDO said, he rose to oppose the Motion. He did so because he believed the extraordinary powers sought by the company were such as ought not to be granted, and because they were perfectly unprecedented. It was matter for observation that the hon. Gentleman who had the charge of the Bill did not venture to say one word in its favour, although it had been intimated to him that it would be opposed. The principal allegation put forth in support of the Bill was, that the "Old Electric Telegraph Company" possessed a monopoly, and that it was desirable to destroy that monopoly; but he would venture to state that no company had ever encountered greater competition than that company had done for the last two years, and he could also state that no public company had ever given greater satisfaction. It should be remembered that the British Electric Telegraph Company was already in operation and had been competing with the old company, and they were now asking Parliament to assist them in that competition by conferring on them powers which no other company ever possessed. They asked to be invested with powers of entering compulsorily upon any railway or canal in the United Kingdom, in order to lay down telegraphs and apparatus for their own private benefit; and to remove, either permanently or temporarily, as their occasion or convenience might require in respect of their works, all obstructions or impediments which existed, or might exist, in railways or canals, or the lands and premises adjoining, and belonging thereto. This was asking for powers over railways such as no other Electric Telegraph Company enjoyed. He would not dwell upon the danger to which the public might be exposed in consequence of such an extraordinary interference being allowed with the railways; but he begged to call the attention of the right hon. Gentleman the President of the Board of Trade to a new principle which was attempted to be laid down by this Bill. Heretofore it had always been understood, that when one man or one company invaded the premises of another—as in the case of a railway company running a railway through a gentleman's demesne, it was on terms of mutuality that such a proceeding was permitted—the gentleman whose premises were invaded being known to be entitled to an equitable compensation; but in the present instance there was no such reciprocity. The premises of the railway company were to be at any moment liable to invasion by the British Electric Telegraph Company, whenever they wanted to lay down their pipes, tubes, and wires; but no reciprocal advantage was insured to the railway company. If the principle of this Bill were now to receive the sanction of the House, they should eventually have to extend the same principle to Bills for the regulation, not of electric telegraphs only, but also of gas works and water works. What he desired was, that the House would not give to the British Electric Telegraph Company advantages which other companies did not possess. He begged to move that the Bill be read a second time that day six months.

Sir De LACY EVANS seconded the Motion.

Amendment proposed, "To leave out the word 'now,' and at the end of the Question to add the words 'upon this day six months.'"

Mr. FARRER said, he was not astonished that the hon. Gentleman (Mr. J. L. Ricardo) should object to the Bill, which was opposed to the interests of his own company; but he was astonished that he should object to allowing their proposal to go before a Committee of the House. The objections which the hon. Gentleman (Mr.

J. L. Ricardo) had urged were rather those which ought to be adduced before a Select Committee. The real ground of objection to the Bill was, that it interfered with a monopoly. The hon. Gentleman says that the company he has been connected with has been working satisfactorily for two years, and that he does not object to fair competition; well, then, if that be so, let him prove his case in a Committee, and if the powers asked for are so extraordinary that they ought not to be granted, a Committee would curb and restrain them, refusing all that would be injurious to the safe working of railways. It had been said that great pecuniary loss might arise to the public by the House sanctioning these projects; but was it likely that a commercial trading company would incur a great risk, and a heavy expense, by attempting to lay down a line of telegraphic communication on a railway where the demand for its employment would be so little as to preclude the least prospect of a profitable return? While he considered the objections of the hon. Gentleman to the Bill to be wholly unfounded, he begged to remind the House that there existed out of doors a very strong desire to have the Bill at least submitted to a Select Committee, where its merits might be determined on. He hoped the House would adopt the course usually taken, and allow the Bill to be read a second time, that it might be sent to a Committee upstairs.

Sir De LACY EVANS said, the House seemed to assume that the opponents of the Bill were desirous of retaining a monopoly; now this was not the case; the British Electric Telegraph Company had already got their Bill, they were already established, and the present Bill was only one to amend the former; it, however, sought such arbitrary and enormous powers, that he considered it his duty to oppose it. The principle of this Bill went further than that of any other similar measure. They desire compulsory powers to construct their particular machinery upon any railway they please. Unless, therefore, it was to be understood that all other telegraph companies were to have like powers, he should certainly oppose the Motion for reading the Bill a second time.

Mr. MACGREGOR would not go into the merits of this Bill, because that was a subject for the Committee. But he would say that there was a strong desire in the great towns of the north of England for some improvement in the present system of conveying intelligence. The merchants and manufacturers complained that the intelligence transmitted by electric agency was very unsatisfactorily performed. He thought that not only the old company, but this company, should receive powers to enable them to do all that they professed. He could assure the House that in the great northern towns there was a most earnest desire that this Bill should go into a Committee. The Bill involved the convenience and interests of all who were engaged in the commercial transactions of the country.

Colonel THOMPSON said, that he possessed a list of some of the most respectable manufacturers, merchants, and traders in the country, who were anxious that the Bill should be sent to a Select Committee, as it had an important bearing upon the best interests of the country.

Mr. MOWATT said, he had not the slightest personal interest to serve in the matter; but he had listened with great alarm to the objections made against the Bill, lest the House, in ignorance of its object, should be induced to throw it out. The promoters of the Bill, besides their own private interests, which were always implied in commercial speculations, sought to confer an immense advantage on the public by asking to be allowed to avail themselves of the facilities which the railways afforded for establishing telegraph lines, by which a general communication might be carried out through all parts of the kingdom. Surely that could not be an objectionable principle. It was said that they sought for compulsory powers; of course they did. Unless they possessed such powers, they would be, as hitherto they had been, entirely at the mercy of the railway body, who, in a majority of cases, had refused to allow the establishing of telegraphic communication on their lines. It was said, again, that the powers now asked were such as would interfere with the private rights of railway companies. Surely that was an objection which came with a very bad grace from the directors of railways, whose very existence depended on the powers they possessed of interfering with private property. But all that he would at present urge was, that the Bill was one of too important a character to justify its being rejected on the second reading.

Mr. GLYN said, that there already existed telegraphic communications on the principal lines of railway, and he had yet to learn that the employment of a double amount of capital for effecting one and the same object was the readiest means of bringing about a reduction of charges to the public. Was it not well known whenever two companies obtained similar rights over the same district of country, that instead of encountering each other on the competitive principle, they in a short time combined for their mutual protection and advantage? It was, therefore, a mistaken idea that a reduction of charge would be effected by introducing two electric telegraphic companies in the same line of district, instead of one. But he claimed of the House some little consideration on the part of the railway companies. This Bill would introduce a principle hitherto deemed wholly objectionable. It was proposed to confer on the British Electric Telegraph Company a forcible and compulsory power of entering on the property of railway companies for the purpose of carrying out their own objects. Should such a principle be introduced, it would henceforth be impossible for the directors of railways to be responsible for the proper management of the lines under their control, or to undertake to be answerable for the public safety. The principle of public safety was paramount to any other considerations that had yet been urged on the attention of the House, and he hoped it would be of sufficient weight to induce the House to support the Amendment, that the Bill be read a second time that day six months.

Mr. ROEBUCK said, he understood the object of the Bill to be to do away with a monopoly. His hon. Friend (Mr. J. L. Ricardo) who moved the Amendment had said that the Bill was based upon a novel principle. He (Mr. Roebuck) admitted it. But the whole thing was itself a novelty. Railways were novelties. Railway companies, represented by his hon. Friend (Mr. Glyn), were creatures of the law. The Legislature had made them, and had given them special powers for certain public purposes. It was not dealing with them as private individuals, or with their property as private property. What was asked by this Bill was, to do away with a monopoly. The first telegraph company, having been incoporated by Act of Parliament, had made certain agreements with the railway companies. Now, if by virtue of those agreements a power was possessed, either by the railway companies, or by the Telegraph Company, at any point of a railway between London and its terminus, to prevent any other person or company from entering upon it, the consequence might be that all communications from that point to other parts of the country might be entirely cut off. He would state, in the hearing of his hon. Friend (Mr. Glyn), that a railway company had entered into an agreement with the old Electric Telegraph Company, one of the terms of which was that the railway company should not allow any other person to go on their line for the purpose of making telegraphic communications. The consequence was that London was cut off from a large portion of the country by means of that agreement.

Mr. J. L. RICARDO: I only have to say that the hon. and learned Member for Sheffield has entirely misconceived me, if he understands me as having said that the London and North-Western Railway Company, and the Electric Telegraph Company, of which I am chairman, have ever entered into any understanding to cut off the telegraphic communication between London and any other place. I never said so.

Mr. ROEBUCK had never said that the hon. Gentleman had made any such statement. He said that such things might occur; and he was disposed to find fault with the hon. Member rather for concelaing than divulging them. He (Mr. Roebuck) would be quite prepared, supposing this Bill should pass, to give his hon. Friend (Mr. J. L. Ricardo) exactly the same powers for the company of which he was chairman, as the Bill would confer on the British Electric Telegraph Company; but he certainly was not prepared to take the extraordinary step of preventing the second reading of a Private Bill upon such grounds as had now been urged. If the powers sought were considered improper to be given, a Select Committee was the best tribunal to determine that point. By rejecting the Bill on the second reading, they would at the same time perpetuate a monopoly and inflict injustice; but by referring the Bill to a Select Committee, they would act with safety towards the promoters of the measure, while the rights of the public would be protected. It was a well-known fact that the telegraphs in England were not employed to one-tenth the extent they might be; and why? Because they existed under a system of monopoly. He wished to see this country possess the same advantages from electric telegraphs as were enjoyed by their brethren in the United States of America.

The everyday transactions of life were there communicated from the northern to the southernmost point of that vast continent. That was a benefit which the people of England did not enjoy. By allowing the Bill to be read a second time they would do no injury to any human being, nor would they infringe upon any private property whatever, for, as he had already said, railways were not private property, but they would be giving the people of this country the chance of enjoying the benefits of the greatest discovery of modern times.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 210; Noes 60: Majority 150.

Main Question put, and *agreed to*.

Bill read 2°.

THE ARCTIC EXPEDITION.

Mr. CHISHOLM ANSTEY begged to ask the hon. Secretary to the Admiralty whether Captain Penny and the other mercantile officers of the late expedition in search of Sir John Franklin received any and what rewards for their acknowledged services in such expedition? Whether Captain Austin and the officers of that expedition received any and what rewards for their acknowledged services on the same occasion? If it was true that Queen Victoria Channel and the Northern and North-western Passages, for the exploration of which Captain Austin's vessels are now fitting out under Sir Edward Belcher, were discovered by Captain Penny and the mercantile marine under his command, when employed on the late expedition? If there is any intention to accept Captain Penny's offers of service, and to employ him and his two vessels again for the purpose of such exploration, or in any other way connected with the new expedition? And if not, why Captain Penny's offers had been declined? He also begged to move for all correspondence on the above subjects not already before Parliament.

Mr. STAFFORD said, he could not tell whether the answer he had to give the hon. and learned Gentleman would be satisfactory. It was, however, decisive and final. With respect to the first question, he had to say that Captain Penny and the other mercantile officers of the expedition had not received any reward for their services in search of Sir Jon Franklin. With respect to the second question, he had to reply that Captain Austin and the naval officers of the expedition had received promotion in reward of their services. In reference to the third question respecting the Queen Victoria Channel and the Northern and North-Western Passages, he (Mr. Stafford) considered it was rather a question for scientific and professional men than for that House; but he might say that the North-Western Passage had not been discovered as yet, and that, therefore, Captain Penny and the mercantile marine under his command had not discovered it. Touching the fourth question, he had to say that there was no intention on the part of the Admiralty to accept Captain Penny's offers of service, or to employ him and his two vessels again for the purpose of such exploration, or in any way connected with the new expedition. Why those offers had been declined, it was for the late Government to say; it had been decided by the late Board, for reasons which had been considered sufficient by them, not to employ Captain Penny; and the Admiralty had resolved not to reverse the decision come to by their predecessors in office. As regarded the correspondence alluded to in the last question of the hon. and learned Gentleman, he (Mr. Stafford) was not aware of the existence of any on the subject which had not been already laid before Parliament. If, however, the hon. and learned Gentleman would state what papers he desired, and moved for their production, he (Mr. Stafford) would give the matter his best consideration.

Sir ROBERT H. INGLIS feared that the late Admiralty, and he almost feared the present Board, had forgotten that once upon a time there existed such a man as Mr. James Cook, for they really seemed to fancy that Her Majesty's Royal Navy had a right to monopolise all the discoveries which might be made by skill and enterprise. Eighty or ninety years ago that was not the doctrine of the then Board of Admiralty; and the consequence was, that they found such individuals as "Mr." James Cook—as some of the officers of the Royal Navy now-a-days would have presumed to call him—the master of a collier, who rendered the name of England dignified by the discoveries he had made. He did say that the treatment which Captain Penny had received from different individuals had not been such as would tend to encourage in any, except in officers of Her Majesty's Navy, that zeal for national discovery which was so manifested in the middle of the last century. But this was not only a question of national discovery, or a question of science; it was a question of humanity. He believed that Captain Penny, whether he made the special discovery of the North-Western Passage or not, had penetrated further than any other man; and, therefore, when it seemed to be thought almost a merit in the present and the late Boards of Admiralty that they had given Captain Penny no reward, they would, in his opinion, have done their duty as well, and have met the justice of the case far better, if they had encouraged Captain Penny to continue those discoveries which he had commenced, and which he had prosecuted more satisfactorily than, or at least as satisfactorily as, any other persons employed in the expedition; and it would have redounded to the honour of the late Board of Admiralty if, instead of leaving the services of such a man unrequited, they had rewarded him in a manner in some degree commensurate with the intrepidity, energy, and devotion, which had so signally characterised his conduct. He would venture further to express a hope that Her Majesty's present Board of Admiralty would not lose a day in preparing the expedition upon which their predecessors in office had resolved. It might not be necessary that that expedition should sail on the 10th or the 15th of April; but he would say, that every day that it was delayed after the earliest time at which it could be got ready would be a day lost, not to the cause of discovery, but to the great cause of suffering humanity; and he was sure the House would readily support the Board in urging forward that expedition.

MR. STAFFORD said, that strenuous exertions were being made to bring the new expedition into a state of readiness with all possible despatch.

MR. PARKER regretted that his right hon. Friend the late First Lord of the Admiralty (Sir F. Baring) was not in his place that evening to take part in this discussion; and in his absence he (Mr. Parker) did not know that he could give any satisfactory explanation on the subject now under debate. This, however, he could assure the House, that his right hon. Friend had exercised his best discretion in the decision come to relative to the Arctic Expeditions, in order to attain that object which this House and the country at large had so much in view, namely, the recovery, if possible, of Sir John Franklin and his fellow-explorers, or, at any rate, the ascertaining what had been their fate. His (Mr. Parker's) right hon. Friend had taken infinite pains in the matter; he had left nothing undone, for he felt that he would be secure of the support of the House and the approbation of the people at large in any expenditure. To find fault, in the absence of his right hon. Friend, with the course which he had taken, did not seem to him to be quite fair. The choice of officers for such an expedition involved a delicate discretion, and he doubted whether this House was a fit place to discuss the merits of officers. He did not know whether his right hon. Friend, had he been present, would have thought proper to enter into the reasons which had induced the Board to decline to send out Captain Penny; and he (Mr. Parker), holding, as he had done, but a subordinate position in the department, could not be expected to go into those reasons.

CAPTAIN SCOBELL wished to call the attention of the Admiralty to the propriety of scattering the ships employed in the next expedition more than had been done in the previous one. Some six or eight vessels appeared to have been almost within hail of each other, so that they had not an opportunity of very extensive survey. Boat expeditions had, it was true, been made over the ice, but the results had been very far from satisfactory. As to Captain Penny, he had read with great minuteness every thing that had come before Parliament on the question, and he did think that the exertions—he might say successful exertions—of Captain Penny had been more prominent, or as prominent, as those of any one employed throughout the whole expedition. It was much to that gentleman's credit that he did not go to seek promotion, but had joined the expedition, running the same risks as those who went out also from very noble motives, but who hoped thereby to advance themselves.

ADMIRAL BERKELEY said, he was prepared to assume his share of the responsibility of not having appointed Captain Penny to the Arctic Expedition. That conclusion had not been come to without due deliberation; it had not been come to without, in the first place, the consultation of every officer who had visited those regions; and he was of opinion that if Captain Penny had been sent out with the present expedition, it would not have been for the interest of the object in view.

Subject dropped.

The several dropped Orders were then disposed of.

PARLIAMENTARY REPRESENTATION BILL.

On the Order of the Day for the Second Reading of the Parliamentary Representation Bill,

Lord JOHN RUSSELL said: With respect to this Bill, Sir, I do not at all intend to make any observations which can have the effect of provoking a debate. I only wish to say that I brought in this Bill as the Minister of the Crown, and in pursuance of a recommendation contained in Her Majesty's most gracious Speech from the Throne. I do not think that I should be able, as an individual Member of Parliament, to carry a measure of such importance through the House with success. For this reason I do not propose proceeding with the Bill in the course of the present Session; but it is to be understood that, by this determination, I shall not preclude myself from any opportunity of moving (if I should think right to do so) any resolution on the subject of the extension of the suffrage, and the amendment of Parliamentary representation. I beg to move that the second reading of this Bill be postponed until this day three months. With regard to the Corrupt Practices at Elections Bill, I do not intend to withdraw that measure.

Mr. HUME said, he could not but regret the course which the noble Lord had determined to take with respect to the Parliamentary Representation Bill. That measure he had introduced in his capacity of Minister of the Crown, and if the measure was indeed a valuable one, the change in the position of the noble Lord could be no argument in favour of its withdrawal. He (Mr. Hume) confessed that he regarded it as a very defective measure, but it nevertheless was a step in the right direction, and it might have been improved in Committee. He could not understand why the noble Lord should not, by persevering in the measure, have afforded that House an opportunity of recording its opinion on the subject of reform. The country had reason to complain that, after nineteen years' experience of the inadequacy of the Reform Bill, some measure had not been introduced by the noble Lord to remedy the defects of that law, and to enlarge the franchise of the people. The noble Lord ought certainly to have persevered in his Bill, if only to ascertain the true feeling of the House on the subject of reform.

Mr. W. WILLIAMS was quite sure that the course proposed by the noble Lord would give universal satisfaction, for never was there a measure proposed which gave such universal dissatisfaction. He was glad to hear, however, that the noble Lord had not abandoned the cause of reform, though he had abandoned the Bill, and he hoped that, when he next brought forward a measure of reform, it would be a better one than the last.

Mr. T. DUNCOMBE said, he also regretted that the Bill had been withdrawn by the noble Lord, though he thoroughly acquiesced in the opinion that it was a most defective and unsatisfactory measure. The Bill, bad as it was, was not perhaps so hopelessly worthless that it might not, perhaps, have been susceptible of amendment in Committee. It was no new practice to put one Bill in Committee, and to bring out a totally different one. The Ecclesiastical Titles Bill, of which the noble Lord and his Colleagues were now, perhaps, thoroughly ashamed—at least he hoped so—had come out of Committee with scarcely a vestige of the original Bill being left in it. Why should not the same thing occur in the case of the Parliamentary Representation Bill. It was the noble Lord's own Bill, and he, of course, had a right to do what he liked with it. Why did he not either proceed with it, or withdraw it at once? Why did he propose to postpone it only for three months? The fact was, that the noble Lord had no faith in the measure. He knew that it was utterly valueless, and that, like his own Cabinet, it would fall without awakening a single regret, and without a single hand being stretched out to save it. He (Mr. Duncombe) did not mean to say one word to disturb the repose which, by general understanding, was to be accorded to those hon. and right hon. Gentlemen who delighted in the designation of the "country party." The members of that party were to be left in perfect tranquillity until Monday, on which day it was to be hoped that they would come down to the House well prepared to receive the compliments of the Session, which no doubt would be bountifully prepared for them, and gracefully tendered. But he would take leave to ask those Members who were not connected with the country party, whether this question of Parliamentary Reform was to stop where it now was? The House would recollect what happened last year when the hon. Member for East Surrey (Mr. L. King) brought in a Bill to assimilate the borough and county voters, which was carried by a majority of two to one. On that occasion the noble Lord said, "Don't press this measure, and I will undertake to bring forward next Session a more comprehensive scheme of reform." Upon that understanding many of the Gentlemen who had voted for the second reading of the hon. Member's Bill turned round and kicked it out; and now here we were. It was true that in Schedule B there was a mass of corruption and abomination which had disgusted everybody, and it was equally true that there were many questions in the Bill which ought to have formed distinct and separate enactments. At that time he reminded the noble Lord that delays were dangerous; but, however, on the understanding that we were to have in the present Session a good Reform Bill, the measure to which he alluded was kicked out, and now, what with that Bill lost, and the present Bill withdrawn, what chance had we of reform from the hands of those who had declared against all reform? Were they to wait until the noble Lord came to office again? Assuredly not. It was not by waiting until a Ministry might find it convenient to introduce a popular measure that the noble Lord had achieved any reputation he possessed as a Parliamentary reformer. Before 1830, the noble Lord was always bringing in Reform Bills in the teeth of Lord Liverpool's Administration; and now he hesitated to pursue a similar course, although there was a party in power who had always been more inveterately hostile to reform than ever Lord Liverpool was. That party hoped to get an accession of Protectionists at the next general election; and was it to be expected that, if they succeeded in that object, the prospects of Parliamentary reform would be improved by such an event? He believed that nothing would give satisfaction to the country unless the noble Lord introduced the Bill himself.

MR. GRANTLEY BERKELEY said, he was not able to congratulate hon. Members on the Opposition benches upon their unanimity, or upon "following their leader." The noble Lord was, in his opinion, quite right in abandoning his Parliamentary Reform Bill, because it did not satisfy any single soul of either party.

Second Reading *deferred* till this day three months.

SUITORS IN CHANCERY RELIEF BILL.

Order for Committee read.

SIR W. P. WOOD said, that, with reference to this Bill, which now stood for Committee, he was quite willing to leave it in the hands of the Government. The Bill had been founded upon the Report of the Commission, who had given great attention to the subject, and he trusted that there would not be any unnecessary delay in the passing of the Bill. There was also another Bill, which had come down from the other House, the object of which was to abolish the office of Secretary to Bankrupt Commissioners, which he hoped would also be passed. Both of those measures he looked upon as highly necessary, and he trusted that the Government would take them up, as also a Bill for abolishing the office of Masters in Chancery.

MR. WALPOLE said, that, with reference to the first of the Bills to which the hon. and learned Gentleman had referred, the Lord Chancellor intended to make a statement that evening, in the other House of Parliament, which he trusted would be satisfactory to the country, as showing that his noble and learned Friend, who was as competent as any person alive, was willing and anxious to undertake a reform in the Court of Chancery; and the noble and learned Lord would, he (Mr. Walpole) understood, intimate his willingness and anxiety to undertake those measures of law reform which the late Government had originated. With regard to the Bill for the abolition of the office of Secretary of Bankrupts, the Government were prepared to take up the Bill. With reference to the Suitors in Chancery Relief Bill, he concurred in the anxiety expressed by his hon. and learned Friend that the Bill should be passed into law; but there was one portion of it—namely, whether suitors in the Court of Chancery should be charged a per centage of fees—to which he had objected when the Bill was before a Select Committee, and with reference to which he should propose an amendment. With this view he would propose that the Committee be postponed for a few days.

Committee thereupon *deferred* till *Monday* next.

ST. ALBANS DISFRANCHISEMENT BILL.

Order for Second Reading read.

MR. WALPOLE moved the Second Reading of the St. Albans Disfranchisement Bill.

SIR GEORGE GREY said, that the

Bill had been brought in by the late Government, in consequence of the Report of a Royal Commission, which had inquired into the system of bribery and corruption in the borough. He hoped the Bill would be persevered in; but having said thus much, he was prepared to leave the matter in the hands of the right hon. Gentleman the Secretary of State for the Home Department.

MR. JACOB BELL said, it was not to be expected that he should allow this Bill to pass its second reading without making an expiring effort to save the borough he represented. However strong might be the prejudice of the House, and however forlorn the hope of success, he should not flinch from his duty to his constituents. The subject of Parliamentary elections was one in which he had never taken any interest till the time when he found himself heralded forth to the public as if he had been the inventor of a system which had existed long before he was born, and would probably prevail long after he had ceased to exist. Though the defence of the system would be quite impossible—for no one in the House detested Parliamentary corruption more than he did, or had greater reason to detest it—yet it was quite a different question whether it was just and proper to execute the sentence of the law in the manner proposed on the borough of St. Albans. He thought he might advance some pleas which would have influence with the House. First, it was customary, when several parties were arraigned under the same charge, and one turned Queen's evidence, that that one should be acquitted, while the others were punished. In the present instance, the borough of St. Albans had turned Queen's evidence, and had placed in possession of the House some very valuable information, which would enable them to pursue corruption with success throughout the kingdom; yet the only borough to be punished was the one which had rendered this important service. Again, when a confession was extorted from any party under a promise of indemnity from punishment, it was unjust, and he believed illegal, to take advantage of that confession as a ground for inflicting punishment. Now the Commissioners had stated in their report that their reception in St. Albans, and the frank and candid manner in which they were furnished with information, contrasted very favourably with the reception which other Commissioners, having a similar object in view, had met with in another borough. The Commissioners attributed this to the stringent powers with which they were invested under the Act, but he attributed it rather to the implicit reliance of the witnesses upon the good faith and honour of Parliament; and it would be a violation of both, if Parliament were now to turn round and use those confessions as a pretext for punishment. It might be said that the indemnity from punishment did not refer to the borough in its corporate capacity, but to the penalties or imprisonment incurred by individuals who were guilty of bribery. But it was usual to construe the words of an Act of Parliament in their plain meaning. The words of the Act appointing the late Commission were, that the party who should answer, to the best of his knowledge, the questions put by the Commissioners, should be indemnified from all forfeitures, punishments, disabilities, and incapacities; and the words of the Act implied that such a person should enjoy every power and privilege that he possessed before. And yet how could such a promise be held to be performed if these parties were to be deprived of the franchise, and their borough exterminated? As he had been held up to public animadversion for corrupt practices, he would assume, for the sake of argument, that there was some foundation for this charge, and that he had had some experience on this subject. He had bought this experience at his own expense, and he intended to make use of it for the benefit of the public. The Bill now before the House was one of three which had been brought forward for the ostensible purpose of putting an end to bribery and corruption; and he could show that the three together would not effect the object. In all reform discussions he had ever heard, either in the House or out of it, he had never heard any allusion made to what he believed was the primary and principal cause of corruption—the extreme severity of the laws against it, whereby they had become inoperative. He could produce evidence of the fact that those laws were inoperative. At the last election for St. Albans, where every one might suppose there were abundant opportunities for carrying out those laws, a bill had been issued, stating the penalties incurred by giving or taking a bribe, and offering to prosecute any case, free of expense, on evidence being supplied — the reward of 1,000*l.* or 500*l.* to belong to the party producing the evidence. This bill was signed by a gentleman who, at the time of the election, valued his services at ten guineas a day; and he offered those services gratuitously to any one who, in that rich harvest of corruption, would voluntarily bring forward a single offender. Yet, so inoperative was the law, that while (as it was afterwards proved) many of the electors were eager to sell themselves for *5l.* and become slaves, there was not one to be found willing to be bought back again for *500l.* and become a free man. Every attempt at improvement, instead of seeking to render the laws easier to be carried into effect, had increased their stringency, and made it impossible to carry them out. During the fifteen months he had been in purgatory, he had made a great many inquiries on the subject—he knew very little of it before—and he found these laws were so excessively strict, and the penalties so tremendous, that it was utterly impossible to carry them into effect, and they consequently defeated the object they had in view. It was impossible to carry out any election consistently with the law. There were voters who came from a distance; and the common rites of hospitality were denied; they must not even have a glass of beer; and if the sitting Member, or any one in his behalf, were proved to have offered them any refreshment, he would be unseated. Were these laws literally carried into effect, many agents would be subject to accumulated penalties of about 150,000*l.*, and to an imprisonment of 300 or 400 years. That was the literal interpretation which anybody not a lawyer would put upon the law. When sheep-stealing was a capital crime, the majority of the offenders were not punished at all, and those who were punished only suffered on the same principle as St. Albans was to suffer now. Before going circuit, the Judges assembled sometimes, and said—"Sheep-stealing has been rather common lately, we had better hang a few prisoners;" and, on account of this determination, men suffered who never expected to be hanged at all. The criminal when condemned became an object of compassion with the benevolent; petitions were frequently presented to the Secretary of State in favour of such criminals; and the disgust of the crime was lost in the horror of the undue severity of the punishment. Owing to this stringency at elections, a custom had become prevalent which had acquired the force of law. There were certain expenses which were illegal, but which, nevertheless, must be paid—not the purest election in the world could be conducted without them—and yet, in the strict letter of the law, they endangered the seat. Consequently it was necessary to employ various agents. The genus "Parliamentary agent" comprised several species. Those who performed what was called the "awkward business" must be cunning, ingenious, and energetic, and must have a contrivance at hand to meet every case. They must be indefatigable, fear nothing but defeat, care for nothing but victory. These agents, while performing the most slippery business behind the candidate's back, must convince him when in his presence that they were the purest persons in the world, and that if a shilling improperly spent could save his election, they would not expend it. They perpetrated the most unblushing wrong in the most daring manner. They had many methods of accomplishing their purpose, of which an example or two might be instructive. A Parliamentary agent of this kind had a room in some part of the town called a committee-room, but which the candidate never heard of. When an elector came he was ushered into the presence of the agent, who would say, "Well, Mr. Smith, how do you do to-day?" at the same time holding up three fingers, to signify he was to have three sovereigns. The elector would perhaps say, if he were dissatisfied with the amount, "I am not very well to-day." The agent then, holding up five fingers, would say, "I am sorry you are not well to-day, Mr. Smith." The elector would then say, "Oh, I am not very ill. It is all right." He would then go and look out of the window, and while he was doing so the agent would put five sovereigns upon the table. The agent would then go and look out of the window in his turn, and the elector would walk to the table, and when the agent turned round the elector was gone, and the sovereigns had vanished. The elector did not see the agent put down the money, and the agent did not see the elector take it up. When a Parliamentary Committee was appointed the agent swore he never gave any money, and the elector swore no one gave him any. No promise had been given or required; the subject of the election had not even been mentioned. The elector went out of the room a free agent, and, without perjury, swore he had not been bribed. When the five hon. Gentlemen who sat upon the Committee heard this, they said, " There has been some clever management here, but there is no evidence." Then a learned gentleman in a wig would stand up and declare it to be a trumped-up case; that there was not a tittle of evidence against his client; and he called upon the Committee to dismiss the petition as frivolous and vexatious. This was only one method in which bribery was carried on. He had heard of fifteen or twenty guineas being given for a canary bird. There is another method which was much more easy to practise without risk of detection — that of employing people for various purposes, and paying them. There were usually a great number of agents, spies, secretaries, and messengers, all retained for five or six weeks preparatory to an election, and paid so much a week. These were put down as legal charges, though if thoroughly sifted, it would be found that almost the only service these people performed was at the hustings or polling booth. Some of the most important thus employed were spies, whose duty it was to be looking about among the people on the other side, and to obtain information as to what was going on; and thus it was that candidates knew of all the " awkward business" going on on the other side, but were kept in ignorance, being surrounded by a halo of their supporters, of what was done on their own. If, too, one of the candidates happened to be the cousin to an editor, or to have any interest with the press, he had an opportunity of putting all this tittle tattle into the newspaper, and thus all the scandal that his spies could get hold of came forth to the public in a very piquant state, while the other party was blackened very much to his surprise. He cautioned any Members who might be opposed by any hon. Gentleman connected with the press to be prepared for a *denouement* similar to that which had taken place lately at St. Albans. By degrees these agents acquired great influence in the borough, and were almost able to return Members themselves. It did not follow, however, that the agents selected the candidate. The party on whose side he usually acted might make the selection if they pleased, and retain the agent. An agent was like a lawyer in this respect; he did not care for whom he acted, but, once employed by a party in a borough, he set to work with great zeal. It was characteristic of an agent not to be scrupulously accurate in minor pecuniary matters. Somehow or other money adhered to his hands in passing through them; but he was faithful to his party, and, like the Spartan boy, would allow his entrails to be torn out rather than betray the fox. It was felt that disgrace was not in bribing, but in being detected. But an agent might sometimes be caught tripping. He might become too venturesome from long impunity, and might at last find his way into prison. When there his friends would know nothing of him; but yet men did not scruple to visit him privately with a view to furthering their prospects at the next election. A man who had spent 20,000*l.* in the most unblushing bribery, and was not petitioned against only because his opponent had bribed as much as himself, walked into the House as bold as brass, and inveighed against the corruption of St. Albans. A few words on the working of the present system. When an agent waited on a candidate it was usual to ask a few questions about Corn Laws, Jews, and Catholics, &c., and then his attention was directed to money matters. If applied to by one of the " awkward agents," he would probably, in the first instance, be asked for a certain sum of money to test the borough. This might be 100*l.*, 200*l.*, or 300*l.*, according to the appetite of the agent. The agent, like a fortune-teller, could not tell anything till his hand was crossed with money. He was next asked for 300*l.*, 400*l.*, or 500*l.* for legal expenses. But this was not all, for there was a further sum to be paid some fourteen days after the Member had taken his seat; and, as to how this money was expended, he was told that he was not to ask any questions. If the candidate said, he would not sanction bribery, and that he liked to have everything aboveboard, the agent replied that he would have nothing to do with bribery, but that there were two or three persons who divided the borough amongst them, and if they did not get so much money they would not give their influence. He (Mr. Bell) was not an old stager in election tactics, he was not up to the tricks of the trade, and he consequently fell into the trap. The effect on the electors was quite as bad, it was perhaps even worse than the effect on the Members. They looked upon an election like a Christmas coming at an uncertain period. It made them care little for the politics of the candidates. If you ask an elector what party he belongs to, he will probably tell you he goes with the "blues" or the "reds." If you ask him about the Corn Laws, he knows nothing about them, though he will tell you he would rather get a loaf at 6*d.* than at 1*s.* The effect on the public mind was equally bad, for when people knew that Members got into that House by these means, it was impossible to respect laws made by such parties. The people must despise the House, and the laws passed by it, and contemn the hypocrisy with which corrupt practices were branded by its Members. Bribery was a disease exactly like the smallpox. It was contagious and communicable from one person to another. Secondly, a person who had suffered badly from the disease was a marked man as long as he lived. Thirdly, the contagion only took effect in cases where susceptibility prevailed. Correct feeling would operate like vaccination to prevent the disease attacking the subject. The cure for bribery was to make people feel that it was disgraceful to give or accept a bribe. The notion was not Utopian. Even in St. Albans, he was informed, there were as many as 200 electors who would not be bribed. No Reform Bill of the kind hitherto introduced would cure the evil. It was proved before the St. Albans Commission that the Reform Bill increased the bribery very much; and if another Bill of the same kind were to be passed, it was impossible to calculate the extent to which corruption might increase. He did not believe that even the ballot would cure the evil, for the "awkward agent" would still contrive to know how much the candidate would stand, and he would bribe the electors conditionally upon the return of the party for whom he acted, paying the money after the election instead of before. The "Man in the Moon," or "the Man in the Helmet," or "the Hole in the Wall," would still continue to act as paymaster, to evade detection. He believed, therefore, that even with the ballot and small constituencies they would have as much bribery as before. There was a great deal of talk about St. Albans bribery, as if other places were not just as bad. The bribery at St. Albans was but a milkscore compared with the bribery which took place in a large constituency in the metropolis, which he would not name. Let them apply the proper cure to these things. Let them not enjoin penalties for bribery which they knew would never be inflicted, but let the penalties be such as would be inflicted in every case of notorious bribery. Let them get rid of the absurdity of a trial by a Committee of five Members of that House, who might be as guilty of bribery themselves as the party whose case they were trying, and let them instead issue a Commission, as in the case of St. Albans, and compel all parties to give evidence. He could bear testimony to the excellent manner in which the St. Albans Commissioners conducted that inquiry, and he respected them as a child respected his father, who corrected him. A mouse was not more helpless before three bull terriers, than a witness was before those learned Commissioners. If one missed him, the next was sure to trip him up, and the third swallowed him. From the manner in which the inquiry was conducted before a Committee of that House, it was almost impossible to get at the truth, for as soon as a witness was about to state something to the point, the gentlemen in big wigs stopped his mouth. No one could be more grateful than he was for the exertions of his learned counsel before the Election Committee; but if he had been a Member of the Committee, he would have voted for unseating himself: for the corruption was so carefully bottled up, that though he saw no evidence, he smelt it, and could guess what was kept back, from what came out. He should use every exertion himself to put down bribery and corruption; but this Bill was not calculated to effect that object, unless other boroughs were put to the same ordeal as St. Albans. The electors of that borough were told that they would not be punished for giving their evidence; and though it was true that no fines had been levied, yet capital punishment was about to be inflicted, and that was worse than a fine. He claimed indulgence, therefore, for his borough. It was in the mud, and he was in the mud with it, but he would never shrink from performing his duty towards it. He would now move that the debate be adjourned; he would not say for three or six months, though that would answer his purpose very well, but simply that it be adjourned, as he expected a petition from some electors of St. Albans, which would throw some further light on the subject.

[The Amendment not having been seconded fell to the ground.]

MR. HUME said, he wished to make a few observations on the original question.

In the first place, he could not refrain from thanking Ministers for taking up this Bill, and should look upon it as an earnest of what they intended to do on the subject. The hon. Member for St. Albans (Mr. J. Bell) had admitted that if he had been on his own Committee he would have voted for unseating himself. After such an admission he thought he had only to appeal to hon. Gentlemen opposite in favour of the Bill. The explanations given by the Commissioners, who had done their duty so admirably at St. Albans, and the information which had been given as to bribery, induced him to hope that the Government would take up the whole question, and not allow St. Albans to remain an individual case. It was said that the bribery at St. Albans was only an example of what took place in some eighty or ninety other boroughs. If that were so, he hoped the House would be consistent, and adopt some means for changing the whole system, for it was the system which corrupted the candidates. If the Government would take up the subject in earnest, he should be happy to support them in any real substantial measure of reform.

Sir De LACY EVANS thought it was somewhat hard that St. Albans alone should be plucked, when there were other boroughs equally guilty. He hoped the Government would not rest satisfied with the present Bill, but would deal with other corrupt boroughs in a similar way. He had given notice of a Motion for the disfranchisement of Harwich, and he hoped the Government would support his suggestion.

Bill read 2°.

PERSONAL ESTATES OF INTESTATES BILL.

Order for Committee read; House in Committee.

Mr. G. A. HAMILTON said, that this was a Bill introduced by the right hon. Gentleman the Member for Herefordshire (Mr. C. Lewis), and as it appeared to be a useful measure, Government did not oppose it.

Clauses 1 to 4 *agreed to.*

Clause 5.

Mr. CHISHOLM ANSTEY said, this Clause, in conjunction with the one that followed, gave power to the Commissioners of the Treasury to make regulations and pay money out of the Consolidated Fund to parties who had established claims in certain cases against the Crown. He thought, however, that these Clauses would prejudice the right which persons had at present of proceeding in a Court of Law against the Treasury or the Crown, in matters to which the Bill referred. It proposed to refer claims to escheated property to Commissioners; but he thought persons ought still to retain the right of bringing such claims before a Court of Law.

The ATTORNEY GENERAL apprehended there was nothing in the Bill which would interfere with the rights of persons who had such claims. In the 6th clause it was provided that any person who proved his claim should be paid the amount out of the Consolidated Fund. The Clause would not interfere in any way with his right to bring an action.

Sir CHARLES WOOD said, he agreed with the hon. and learned Attorney General, that there was nothing in the Bill to affect the legal rights of parties.

Mr. WALPOLE said, if the hon. and learned Member for Youghal (Mr. C. Anstey) would move a proviso on the bringing up the Report he would give it his consideration.

Clause *agreed to;* as were the remaining Clauses.

House resumed.

The House adjourned at half after seven o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, March 15, 1852.

MINISTERIAL EXPLANATION.

Lord BEAUMONT rose, in accordance with previous notice, to draw the attention of the House to the injury inflicted on the country by the uncertainty which exists as to the intentions of Government respecting the law regarding the importation of foreign corn; and to put a question to Her Majesty's Government whether it is, or is not, their intention to recommend to Parliament an alteration of the present policy with respect to the importation of corn, as soon as a new Parliament can be assembled? The course he intended to pursue was, as he had given notice, to put, in the course of the observations he would make, questions to the noble Earl opposite (the Earl of Derby) as to the intentions of the Government with respect to this subject; but as it was desirable that the rules of the House should be complied with, and that a formal Motion should be before it, he should also present a Petition to the House, and he should conclude his observations by a Motion that that Petition do lie on the table. He would adopt that course that he might put himself perfectly in order with their Lordships' House, and afford any other of their Lordships a full opportunity of expressing their opinions on the subject. He should also confine his observations to the topics alluded to in the allegations of the petitioners, and, adopting the order they had observed in their statements, he should proceed by endeavouring to prove to their Lordships, in the first instance, that it is desirable that the country should be informed as early as possible of the intentions of the Government respecting so important a topic; and in the next place, that up to the present moment uncertainty reigns in the country with regard to the intentions of the Government—that as yet they were unable to gather from all that had been said or done by the noble Lord and his Colleagues on the questions of financial and commercial policy what were the particular intentions of the Government in that respect. He should attempt to show, even from the noble Earl's own words on a former occasion, that their Lordships were as yet unaware what measures, or indeed if any measures, were to be brought before Parliament on the subject. He should then, after having proved the utter darkness in which both the House and the country had been left in respect to the views of Government on so vital a question, proceed to show the great inconvenience which arose now, and which was likely to continue to arise, from that uncertainty; and he would then submit to the House if, after having established these three points, he was not entitled to put questions to the noble Earl, and to expect the noble Earl, as responsible Minister of the Crown, to answer in such a manner as to relieve the country from that uncertainty. If the noble Earl should so answer them as to remove all uncertainty, he should be bound to say that his object in bringing forward the subject, would be completely attained; and he might add, the prayer of the petitioners would to its fullest extent be complied with; for all they asked was that the uncertainty of the country should no longer exist. In following that course, the House would excuse him if he alluded to what had fallen from the noble Earl on a former occasion; because it was from the difficulty of clearly understanding what policy the noble Earl had intended to point out in the words he used on the occasion referred to, that he drew the proof that the petitioners were right in stating that uncertainty existed, On that occasion the noble Earl—with a degree of eloquence which he alone at present possessed, and with a frankness which he readily acknowledged—stated that as far as he himself was concerned he had not in any way changed in office the opinions which he had entertained out of office—he stated in language not to be mistaken that he still thought the policy which at present governed the country with respect to the importation of foreign corn was not the best policy for the country—that the principle which governed the American tariff was the right principle, and that it would be for the advantage of this country if that principle were adopted. That so far nothing could be more frank or clear on the part of the noble Earl, they must all acknowledge; so far he was perfectly consistent. The noble Earl and his Colleagues, when they sat in opposition, took every opportunity that presented itself of professing their principles; by doing so they justly merited the name they were known by—namely, Protectionists; for on no occasion, when the subject was brought forward, did they ever profess any change of opinion on that subject; on the contrary, they invariably maintained, in doors and out of doors, the principles and policy which, at the period of the great contest in 1846, they had so eloquently and firmly advocated. After stating those opinions, the noble Earl, on the occasion to which he had alluded, proceeded to say, these were his own private opinions—his own individual opinions; and, therefore, whatever his opinions were—however firmly he adhered to his former opinions, the House could draw no conclusion that those were the opinions which were to guide his policy. The noble Earl did not state on that occasion the opinions he entertained were the opinions of his Cabinet. He did not state those opinions as a Minister, for if he had they should be bound to believe they were the opinions of the Cabinet, and would form the basis of its policy, and that there could be no mistake in supposing that the same principles which guided them in opposition should be carried into execution now that they were in possession of power. The noble Earl further said, with great caution, after stating that what he had been setting forth as the true policy of this country, was only his own opinion, that the question was one which could only be settled by reference to the well-understood and clearly expressed opinion of the intelligent portion of the community; from which statement he (Lord Beaumont) would naturally draw the conclusion, that the Government of the day intended to propose a scheme in accordance with their own views, and should they not be able to carry it in the present Parliament they would appeal to the country on its merits—that the country having responded to the appeal, by returning to the other House of Parliament representatives to express their opinions on the subject, the sense of the country would be taken by a division in the House of Commons as soon as Parliament had assembled. That was the ordinary course on similar occasions. The noble Earl stated he was in a minority in the other House, and had barely a majority in their Lordships' House, and therefore that the question was to be decided by the country. That must have meant, as he had already said, that it was intended to take the sense of the country. Now the only way of taking the sense of the country was by laying before it the issue to be settled, and then, after the elections, by testing it by a division in the House of Commons. If the noble Earl had stated that to be his course, he (Lord Beaumont) should have been perfectly satisfied, and should have had no occasion to put questions to the noble Earl; he should have said that the course was a straightforward one, consistent with the noble Earl's principles, in accordance with the constitution, and, considering his opinions on the subject, one that was the least detrimental to the country. The noble Earl had not, however, said he should adopt that course; but had contented himself with saying that it was a question to be decided by the intelligent portion of the country; but that he did not thereby mean that he would propose any measure, or go to the country upon it, or that he would take a division on it in a new Parliament, or, in other words, that he would take the sense of the country upon it. The noble Earl avoided pledging himself as to any course. On the noble Earl arriving at office there were two courses open to him to adopt, either of which would have been satisfactory or fair to the country. Either he should have said that now he and his Colleagues had come into office they intended to carry out the principles which they had advocated in opposition—that, knowing they could not carry them out in the present Parliament, they would go to the country upon them, and take the sense of the country immediately on the assembling of the new Parliament, by a division in the House of Commons; or the noble Earl might have adopted another course—and if he had he (Lord Beaumont) would not have said a word against it—the noble Earl might have said, that it was true his individual opinions were not changed, that he still entertained the same opinions he had always had with respect to the policy adopted by the late Sir Robert Peel, but that that policy once adopted, it was so dangerous to undo, that though he had not changed his opinions in the abstract upon it, he did not think it wise to commence any dangerous agitation upon it, or to reopen such a vexatious question after it had been once settled—that, notwithstanding his own individual opinions upon it, his Government intended to adhere to it as being the less of two evils, preferring it to agitating the country in the hope of obtaining a doubtful good. If the noble Earl had adopted that course he (Lord Beaumont) would never have charged the noble Earl or his Colleagues with inconsistency; for he firmly believed that whatever opinions he might once have maintained on the subject, it would not be advantageous to reagitate a question which had been agitated for so many years previous to the measures of 1846, and again unluckily and ill-advisedly kept alive for so many years after the great struggle of 1846. Either of these courses would have been perfectly straightforward; and, if openly avowed, would have been an act of candour on the part of the noble Earl. But the noble Earl, on the contrary, had adopted neither of these courses. He had never told them that he intended positively to reverse the policy of the late Sir Robert Peel, or to acquiesce in it. On the contrary, he had appealed, if not directly, at any rate by inference, to the country to agitate the question, without making any promise whatever at the same time that he meant to settle it. That was reopening everything and settling nothing; it was creating a contest out of doors, without bringing it to an issue within doors; it was not the conduct of a statesman in Parliament, but of an agitator out of doors. The noble Earl threw a ball of dissension to the country, called upon his friends to recommence their agitation for protection, but would not say whether, in the next Parliament, or at all, he intended to bring this question to a final settlement by proposing a measure to Parliament. That was a dangerous proceeding for the country; it was bad as a precedent, and it unsettled men's minds—for each person interpreted the noble Earl's speech according as his hopes or fears inclined him. Moreover, it appeared to him—although the noble Earl had more experience in such subjects than he could boast of—that that was very like abdicating the functions of Government—for it was the part of the Government to originate measures. The noble Earl avowed no intention to grapple with the subjects which still unfortunately agitate the country, nor had he announced the course the Government were prepared to adopt in their regard; but, on the contrary, the noble Earl and his Colleagues said to the country, "Tell us what measures we should take, and we will adopt whatever policy the majority tells us to pursue." If that were the case, if they intended the discussion to be carried on in public meetings and not in Parliament, they were advancing far to an external out-of-door democratic Government. The noble Earl stated, that the corn laws was a question to be settled by the enlightened classes out of doors, meaning thereby the constituencies; but though he referred the question to the constituencies, he would not pledge himself to take a division on the subject in the next Parliament. Was not that encouraging agitation? was it not calling on the country to agitate this question, without a view of carrying any avowed plan? The words of the noble Earl said in almost express terms, "Fight the battle among yourselves; and whichever party wins, I declare for the winner." The consequence was, that no sooner had the words of the noble Earl escaped his lips than the parties out of doors began the contest. The Anti-Corn-Law League came instantaneously into existence, and it could not do otherwise, for it was a life-and-death struggle for their principles which was threatened, and to that struggle they were urged on by the noble Lord. The League came forward to defend the policy which they knew would be attacked if there was a majority in the New Parliament against them; whilst those favourable to protection said, "Here is a chance for us—we might have adopted the present policy so long as we thought that it could not be reversed; but now, if we fight our battle well, we may gain back all that we have lost, and re-establish ourselves again under the banner of our darling protection." So doubtful in their import were the words of the noble Earl that the agricultural champions had seen in them various extents of protective duties. Some saw in them a fixed duty—others interpreted them as re-establishing a sliding scale. Now, was not this a course likely to create agitation out of doors without any prospect of ever seeing it settled within doors? The noble Earl was, in his opinion, bound to state the issue which he wished to be tried by the country on this subject before the New Parliament was elected, in order that the struggle might be narrowed and confined to as small a point as possible. If he travelled from the speech of the noble Earl in that House to the speeches of the noble Earl's Colleagues on the hustings, he became not more precise in his views, but more mystified. They had now had time for consideration, and it was to be hoped that after so many meetings of the Cabinet they were now of one mind; but if they looked to their various speeches on the hustings, it was "confusion worse confounded." In North Essex he found one of them making a stout and bold agricultural speech, which looked to the whole restoration of protection. In Lincolnshire there were two strong speeches made. In the first speech there was a distinct promise of the restoration of protection; but in the second protection was described as a very good sort of thing, but it was somewhat doubtful whether it ever could be restored. In Buckinghamshire we were lost entirely in the clouds, and were amused by being led over no less than half-a-dozen different schemes. There we had set before us, in the first place, the great advantages of countervailing duties. In the commencement of his speech the noble Earl's Colleague recommended his scheme of countervailing duties as a compensation for the burdens on real property, and the taxes by which land was overweighted. We were told that 7*s.* ought to be the amount of the countervailing duty, but that 5*s.* might be taken as a compromise. It was, however, represented as a matter of some doubt whether even that amount of duty could be obtained; and we were told that, if that plan were not successful, we must look to the diminution of the burdens on land in another point of view. There were 12,000,000*l.* of local taxation, and something was said, in addition, of the pressure of the malt tax.

But of these 12,000,000*l.* of local taxation, represented as so burdensome on land, or, rather, on real property, one-half was paid by houses, canals, railways, and other real property, and only the remaining half by land as used for purely agricultural purposes. But if you talk of adopting the course of taking away these 6,000,000*l.* which you represent as the burden on the land, you will be under the necessity of imposing it on other classes of the community: an alarm will soon spread among the manufacturing interests and all the producing classes of the community who are not producers of corn and other commodities extracted from the land; while, on the other side, hope will rise high among the agricultural classes, and they will begin to claim that the repeal of the malt tax be thrown into the bargain, inasmuch as the same arguments apply to that impost as to their other burdens. This, and more than this, was promised on the hustings at Aylesbury, at the commencement of the right hon. Candidate. Hope became exuberant in every Buckinghamshire heart, while despair brooded sorrowfully in the bosom of all unconnected with the agricultural interest. But what then came next from the right hon. Orator ?—" Oh ! I did not say that any measure of this kind will be brought forward. I did not, and I do not, pledge the Government to any such thing. These things are floating before us; we don't say whether we will adopt them or no. Before Parliament reassembles we will not say whether we will bring forward one or other of these schemes." Now, if both, or if either, or if neither of these schemes were to be adopted by the Government, still the country was entitled to know it. The country was entitled to know, after the Parliament was elected, whether the Government meant to propose a protective duty on corn—he did not mean the exact amount, whether 5*s.* or 7*s.* ; but whether it was the intention of the Government to impose a protective duty on the importation of foreign corn. He declared that it was, in his opinion, incumbent upon the Government to tell the country whether they did or did not intend to propose a fixed duty on the importation of foreign corn before they dissolved Parliament. As they appeared to have several schemes *in petto*, they ought to tell us which scheme they intended to try first. On the turf, when you have two horses entered for the same race, you are generally called upon to declare with which horse you intend to win. Now, he asked the noble Earl, who was not unacquainted with that rule, whether he meant to win with his 5*s.* duty, or with the transfer of the burdens on agriculture to the manufacturing classes ? What proved the great uncertainty arising out of the declarations of Ministers on this subject was this—that out of five or six persons, who from their long experience were supposed to know best the real meaning of words which fell from Gentlemen in office, each has given a different version of the import of their declarations. No two of them concur in attributing the same meaning to their words; and yet they all say that it is quite clear what Ministers intend, though they differ *toto cœlo* in the explanation of what they believe to be that intention. Under such circumstances he thought that the noble Earl should put five of these Gentlemen in the wrong, by declaring himself what is the right meaning, if, indeed, he should not put all the six in the wrong by informing them that they had none of them deciphered his riddle. There was, however, another portion of the speech of the right hon. Member for Buckinghamshire which went much further than either of the propositions to which he had already referred. It was a general attack on the commercial and financial policy of the late Sir Robert Peel. It could not be deduced from the speech of the noble Earl that he intended to reverse all the financial and commercial policy of that great statesman; but he had said that the recent alterations in the navigation laws were injurious, and ought to be reversed, and that the alterations which had been made in the tariff in other articles besides corn were unjust, and ought to undergo modification. Now, he (Lord Beaumont) thought that for the sake of preventing unnecessary agitation in the country, the noble Earl should come forward and state plainly that even if he intended to reverse the policy of Sir Robert Peel, it was not his intention to go beyond the article of corn. The great object he (Lord Beaumont) had in view in rising to put his question to the noble Earl was, that he might narrow as much as possible the subjects of agitation, and not derange and disorder more interests than was absolutely necessary. Now already, he maintained, the noble Earl had perfectly deranged and put out of order all the proceedings which were connected with the letting of land. He had been credibly informed that valuations to a considerable extent had been suspended since the speech of the noble Earl of the other night—that valuers had thought it advisable not to proceed further until they knew whether a 5*s*., a 7*s*., or any, or what amount of duty was to be added as the increased value of the quarter of foreign corn. He had further been informed by persons who were employed in the drawing up of leases that several leases had also been suspended; that until this question was settled there would be a difficulty in drawing up these leases; that some parties hesitated to enter into them until they knew the result, whilst other parties hesitated to give any lease at all until they knew the result. He understood, moreover—in fact, he knew instances where the incoming and outgoing tenants did not at present know exactly upon what basis to draw up their arrangements, or agree on the compensation to which the latter might be entitled. This, of course, would be the natural consequence of any idea prevailing that the policy with respect to the corn law was to be changed. If the noble Earl said he thought it was for the interest of the country that the corn laws should be altered, he (Lord Beaumont) would not lay to his charge the disturbance which now existed in the way of these arrangements. It was, in fact, naturally incident to any alteration in the commercial policy of a nation; and would doubtless exist until those alterations were adopted as the permanent law of the country. A declaration by the noble Earl that he intended to make any alterations, would not of course prevent the continuance of these derangements. But if, on the contrary, he stated that he did not intend to make any alteration, but to abide by the policy at present in existence—whatever his motives for adopting that course—at once he would quiet the country upon the subject, allow things to take their natural course, and prevent—no small advantage in itself—anybody building on the false hope that the policy adopted in the year 1846 was to be reversed. Whilst speaking of the policy of 1846, their Lordships would excuse him if he stopped to say a few words with regard to that subject personal to himself alone. When that policy was under their consideration, he (Lord Beaumont) firmly believed that that policy was a dangerous policy; and in conformity with that belief he acted with the noble Earl in endeavouring to oppose it. Under the same circumstances—if we were now where we were in the commencement of 1846, and had again to discuss the subject—being in the same circumstances, he believed he should find no reason to change his opinion. That which he then foresaw had happened. He was at no time one of those who denied that there would be both evil and good resulting from that policy; but he thought that the evil would greatly preponderate; and of one thing he was certain—that one of the two great interests of the country, then in apparent collision, must suffer, whatever might be the case with the others. Since that time we had had a fair experience of the new system, and he must say that what he then feared with regard to that interest had taken place. That portion of the agricultural interest who were owners of land had been serious sufferers; and so long as the present policy existed, they must continue to bear the evils to which they were now subjected. As to the occupiers of land, they also had suffered in consequence of that policy; but they had the means in their own hands of adjusting their position, and subsequently that adjustment had taken place. The diminution of profits upon agricultural produce had been gradually met by a reduction of rent, and by a final loss to the owners of the land. In many instances, to his knowledge, rent had been permanently reduced 25 per cent. In other instances where no reduction had taken place, an outlay had been made by the owners of land which was quite equivalent to 25 per cent. But in either of these cases the occupier was not the sufferer. The owner of the land was the sufferer. He had made his arrangements with his occupiers upon the basis of the present value of their produce, instead of the old rate which ruled under the corn laws. Valuations had gone on throughout the country in consequence of the change, and the basis of these valuations was as between 5*s*. and 7*s*.; that was to say, that whereas valuers formerly took 7*s*. per bushel as the basis of their valuation, they now took 5*s*. per bushel as their basis. Of course, where this had been the case, the loss fell on the owner, and not on the occupier; and it was in vain to say that it was not a loss to the owner if the value of the produce of agriculture was diminished 25 per cent, or his income was diminished in the proportion of the difference between 7*s*. and 5*s*. Now, all this he (Lord Beaumont) foresaw at the time the change was proposed; and it had taken place. On the other hand, however, he must acknowledge that what little good he then anticipated to spring from the measure, had been much exceeded by the results in another respect. As an eyewitness, living in the West Riding of Yorkshire, he must own that the increased comfort, the immense activity, the improvement in the manufacturing districts, had far exceeded the anticipations even of those who had advocated the repeal of the corn laws. He could not deny, moreover, and he thought it could not be denied by any of their Lordships, that throughout the country generally the labourers had not been the sufferers that he himself had anticipated that they would have been. He found no diminution in the employment of labour—at least in his own county. True, he was aware that it had been diminished in certain localities; he knew that in some places there was not the same quantity of land cultivated with wheat. And why was that? Simply because certain descriptions of land were laid down in grass, and therefore did not employ so many men as formerly. But their Lordships must look to the country generally; and doing so they would find that certain soils adapted to the growth of wheat had suffered; but that the labouring classes were never in a better condition than they were at this moment. Now, if that were the case, and even though the sufferings of the owners of the land were still greater, he (Lord Beaumont) did not think the Legislature would be justified in reversing the repeal of the corn laws. In the abstract, he granted that such a state of things did imply a species of injustice to the owners of land. There was no doubt that special burdens paid by the land—be they what they might—were in reality a diminution of rent, and, therefore, fell on the owner. All local taxation too came at last to be merely a diminution of rent. That loss must, therefore, fall on the landowners—to whom it was a positive injustice that they should pay these special burdens, submit to this diminution of their rents, and, at the same time, struggle with corn freely imported into this country, without any countervailing duty whatever. He must observe, too, another circumstance, that they could not arrive at the actual amount of the injustice until they ascertained what were the local burdens on foreign corn in the countries where that corn was produced; still it could not be disputed, he believed, that there was a certain amount of duties paid by the landowners of England which did act as a considerable disadvantage to them. That he had stated on former occasions in this House, and he must say he continued to adhere to the opinion. But notwithstanding that disadvantage, looking at the interest of the country generally, the various interests involved in the question of our commercial policy, the improved position of the labourers, the activity pervading the manufacturing districts, and altogether the advantages which were enjoyed by the mass of the people at this moment, whatever his opinion might be in the abstract, he (Lord Beaumont) was quite prepared to come forward and declare that he was opposed to any reversal of the present policy. He was for maintaining the policy which was now in actual existence, because he saw that any attempt to reverse it would be attended with great danger. Already he saw the most violent passions brought into action. Class was being raised against class—old animosities, lately slumbering and dying away, were again in process of revival—and owners of land in some country districts were showing a disposition to raise their rents, where previously they had been reducing them somewhat in proportion to the diminished price of agricultural produce. For his part, he believed that the occupiers would be much better off with a free market and low rents, than a restricted market and high rents. Therefore, without abandoning his opinions with regard to the burdens on land, and the justice in the abstract of countervailing duties, he still contended that the broad policy of the Government was not to disturb what had been so recently done; but, on the contrary, at once and for ever to settle the question by declaring their resolution to abide by the present policy. If they would do that he (Lord Beaumont), for one, would hail the announcement with pleasure; but if they did not so announce their intentions, then, he said, they were bound to let the country know, without delay, what was the nature of the alterations they contemplated making, or, at least, to let the country know that they positively intended making some alterations. It was their duty to inform the country upon this question, that, at any rate, the present suspense might be as short as possible—that, as soon as the public business allowed, the country might have an opportunity of stating its opinion upon the question to be laid before it by the noble Earl and his Government, and that the noble Earl himself, too, might have the opportunity of early testing and ascertaining the sense of the country, by taking a division in the other House of Parliament. An answer either "no," or "yes," to the question he would now put to the noble Earl would be satisfactory to this extent. It would show that he intended either to abide by the present policy, or positively to change it by restoring protection in one form or another. Any one of these answers would clear away a great deal of the existing uncertainty. But if the noble Earl declined distinctly to state that he did or did not intend to alter the present policy, and left the country in uncertainty and doubt, he must again repeat that the noble Earl would not be acting that part which he (Lord Beaumont) thought was the part of a Minister of the Crown; that he would be acting the part of an agitator out of doors, and not the part of a great statesman who stood at the head of a great party in the country; that he would be inflicting on the country generally a great and a serious injury; and that he would prevent the hope or prospect being entertained of an early settlement of the question in Parliament. He (Lord Beaumont) might add much to what he had already stated; but he had started by saying that he should confine himself to the mere allegations of the petition, and he believed he had not travelled beyond them. He had proved that uncertainty existed in the country; he had shown what were the disadvantages attendant upon the existence of that uncertainty, and the necessity for speedily removing it. He now begged to put to the noble Earl the question of which he had given notice—namely, whether or not it was the intention of Her Majesty's Government to recommend to Parliament any alteration in the present policy regarding the importation of foreign corn as soon as another Parliament shall be assembled? And he would conclude by presenting a petition from Owners and Occupiers of Land, in the County of York, and moving that it do lie on their Lordships' table.

The EARL of FEVERSHAM: Will the noble Lord be good enough to state from what place in Yorkshire the petition comes?

LORD BEAUMONT: From the parish of Snaith, and some one or two townships in the neighbourhood.

The EARL of FEVERSHAM: Will the noble Lord also state the prayer of the petition?

LORD BEAUMONT stated that it was to the effect that their Lordships would take such measures as would relieve the petitioners from the evils they at present anticipated as the result of the uncertainty which prevailed with regard to the intentions of Ministers upon the subject of the policy of free trade in corn.

Petition *presented*, and read.

The EARL of DERBY: Certainly, my Lords, it would be very satisfactory to me, and I am sure it would be equally satisfactory to your Lordships, if I could take the very short and summary mode recommended by the noble Baron who has just sat down, by answering the discursive question which it has occupied the noble Lord no less than one hour and ten minutes to put to me by the single expressive monosyllable "Yes" or "No." But, my Lords, although I shall not occupy so much of your Lordships' time as has been occupied in asking the question, I confess I am not prepared to give to the noble Lord so brief and categorical an answer to the question which he has in so elaborate a form put to me. At the same time, my Lords, I shall be most ready to give to the noble Lord, and to your Lordships, such information as is consistent with my duty with regard to the course intended to be pursued by Her Majesty's Government on any points which may have been left in any degree of obscurity in the course of the observations which I had the honour to submit to your Lordships on a former night. In doing so it is not necessary that I should follow the noble Lord—and I certainly have no intention of doing so—into the various arguments on which he has dwelt, in regard to the policy of the corn laws, the course pursued in 1846 in respect to those laws, or the incidence of the burdens or losses which have more or less followed from that policy as affecting the interests of landlord, tenant, or occupier. I shall not be led by the noble Lord, and I hope none of my noble Friends who may follow me in this discussion, will suffer themselves to be led, by anything which the noble Lord has said, into a most fruitless and unnecessary discussion upon the subject of the corn laws generally. The noble Lord certainly has not done great justice to his clients, the petitioners, on this occasion; because, although he commenced by stating that he should proceed to show to their Lordships the various evils these petitioners were suffering—the grievances that were afflicting them—and the anxiety which was depriving them of repose by night or by day, yet from the beginning to the close of his speech not one single word did the noble Lord say about the petitioners; and it was not till the question was put by a noble Friend near me that it was elicited from the noble Lord who the petitioners were, or what was the prayer which they prefer to your Lordships as the foundation for all those earnest remarks which the noble Baron has been addressing to you. The noble Baron has been kind enough to allow me a sight of the petition since the notice of his question was given; and I certainly think (speaking with every respect of the petitioners, who, I have no doubt, are of the highest respectability) that in point of number, undoubtedly they are not exceedingly extensive. These petitioners, as the noble Baron stated, are not confined to a single district or a single county, but a certain number of them belong to a certain township called Snaith, and one or two others to adjoining districts. My Lords, what is the numerical force of these petitioners who are in this state of unparalleled anxiety? what interests do they represent? what bulk of property do they come forward and tell your Lordships is in a state of total confusion—concerning which no commercial arrangements can be made—all owing to this protracted uncertainty on the part of the Government? These petitioners, my Lords, it appears, are thirteen in number. They describe themselves thus: "The humble petition of the undersigned owners and occupiers of land, in the county of York." The noble Earl near me has marked in pencil one of the subscribers to the petition as being the occupier of 500 acres of land; but the whole thirteen petitioners, including that gentleman, only occupy 1,841 acres of land. These are the owners and occupiers of the county of York, who come forward and petition your Lordships on the great anxiety they are suffering because of the uncertainty of the policy intended to be pursued by Her Majesty's Government respecting the importation of foreign corn. Some of the petitioners are farmers, and some are very respectable gentlemen following other pursuits in life. There is among them Mr. Langdale, a highly respectable gentleman; then comes Mr. Jonathan Wright, who is an auctioneer at Snaith, and his occupation is twelve acres: and after him is Mr. Thomas Pickering, a surgeon: this gentleman occupies twenty acres of land. It must be confessed that that this is not a very serious undertaking. These are the petitioners who come before you on the present occasion. The noble Lord did not plainly state their grievances; but I am happy to find—and even there the noble Lord correctly stated the fact when called upon to read the prayer—that the injuries and grievances of these petitioners consist in injuries and grievances not *in esse*, but only *in posse*. The petitioners are not actually labouring under any grievances, or suffering from any injuries; but it is what they are anticipating they shall hereafter suffer and labour under, that they are now petitioning your Lordships to relieve them from. They ask to have the anxiety as to what may hereafter happen removed from their minds. Take, for instance, the auctioneer, who is the owner of twelve acres of land, and the surgeon, occupying twenty acres. No doubt, the auctioneer is a very respectable man. I dare say he has made some money by his business, and occupies a snug villa, with a very pretty shrubbery around it; that he has a kitchen garden, and a paddock where he keeps two or three cows. Thus he becomes an occupier of a certain quantity of land, and lives very comfortably, not on the farm, but on his business of auctioneer. But I should like to know what is the amount of wheat which is grown by Mr. Snaith—I beg his pardon, Mr. Jonathan Wright, the auctioneer of Snaith—after deducting the shrubbery, the paddock, the kitchen garden, and the lawn, from his twelve acres of land? And yet that gentleman cannot sleep night or day, he cannot enter upon any new valuation of his land, he cannot grant his leases or determine on his mode of husbandry, or settle his covenants, and all because he does not know whether it is the intention of the Government to put on an additional moderate duty on the importation of corn at some distant and indefinite period. To talk, my Lords, of the postponement of the final settlement of this question for a period of six, or eight, or twelve months being an interference with all the arrangements affecting agriculture, and a disturbance of the relations between landlord and tenant, is—without any wish on my part to depreciate or diminish the magnitude and importance of an ultimate settlement—to attach an exaggerated and fictitious importance to that which the noble Lord demands, that is, an immediate and categorical explanation of the course which Her Majesty's Government intend to pursue. Why, in the cultivation of a farm, do you not know in March, and may you not know in November, what is to be the course of proceeding?—what alteration in agriculture would be made by the postponement of any declaration as to what is to be the import duty on a quarter of foreign wheat? I presume that even at Snaith they do not sow their wheat in March or April, and that the cultivation of wheat in that neighbourhood will not be affected by a declaration now, rather than at the next harvest, of what are the intentions of Her Majesty's Government, or, what is of more importance, the intentions of Parliament on this great question. Does the noble Lord suppose, either, that the imposition of any such duty as he appears to believe to be meditated, could be carried by any Government, that it would produce such an alteration in the relations between landlord and tenant as materially to interfere with the arrangements which subsist between them as to rent and the covenants under which they hold their land? I have not supposed any amount of duty as being the duty that ought to be levied; but the noble Lord has taken the sum of 7*s.*, or 5*s.*, incorrectly referring, I think, to what was said in a speech by a right hon. Friend of mine in the county of Buckingham the other day. Now, I am not going to speak with regard to the amount of the increase of price which would be produced in the home market by any possible alteration of the duties on foreign corn. I am not going to reopen the subject upon which a noble Earl opposite put a question to me the other day, when he contended that whatever increase takes place in the price of corn or other articles in consequence of the imposition of a duty, falls not only upon the price of that which is imported, but upon the whole amount of the produce which is grown at home. What I contended for then was, and what I contend for now is, that whatever the duty may be, it is not the whole amount, but a small portion of that amount, which must be added to the price in consequence of the addition of the duty. Take a duty of 4*s.*, 5*s.*, or 7*s.*, or whatever you please—let us take, for instance, that with which we are the most familiar—a 5*s.* duty on the import of corn—that is, an addition of 4*s.* to the present existing duty. Now, suppose the utmost possible extent of the augmentation of price in this country consequent upon an increased duty of 4*s.* to be 1*s.* 6*d.* or 2*s.* a quarter, will any man tell me that to doubt whether that amount would or would not be imposed, and the subsistence of that doubt for some eight or ten months, could introduce the smallest amount of uncertainty with regard to the relations of landlord and tenant, and the permanent arrangements between them? My Lords, I certainly have seen a statement, and I read it with some surprise, which was made by a friend of mine the other day, that he should take care to inform his tenants that if they obtained a 5*s.* duty upon wheat, he should immediately put on half-a-crown, I do not know whether per acre or per quarter, upon their rents. Now I do not think this is a very generous course of proceeding. That gentleman is himself a farmer, and an extensive sheep-owner; and he is at this moment canvassing the city of Westminster upon the ground of his extreme liberal principles! Now, I confess that it appears to me that the sheep are not the only portion of his property which this gentleman seems disposed to fleece. But I believe the example he has set, or has announced his readiness to set—for I do not believe he would do it—is an example which would not be followed by country gentlemen generally. I grant, however, my Lords, that this is a question which should remain in abeyance no longer than is absolutely necessary. I admit that most frankly. But with regard to the uncertainty, my Lords, there is a very large party in this country, as is well known, who have declared in the most emphatic terms that it is not until the next election that that uncertainty should be removed—that by the next election the question must be settled, and settled definitively; and to that election they refer on their own part, confident in the strength of their cause, but ready to submit to the judgment of the country should it be pronounced against them. So that whether the change of Government had or had not taken place, that uncertainty as to the final decision of the country, and of Parliament following the country, must have equally remained, but with this difference, that in consequence of that change of Government the period of the duration of the uncertainty will be diminished, and the dissolution of Parliament, which might have been postponed for a period of two years in the ordinary course of things—I trust I need not offer any apology for alluding to it—must take place within a period of six or eight months from this time. Therefore, my Lords, so far as uncertainty is concerned with regard to the final decision of the country, the period of that uncertainty is not extended, but is diminished by the change of Government; and that change of Government, remember, has not taken place upon any question connected with the subject of protection to the land. And I go further, and say that the period of suspense ought to be as short as possible; that the appeal to be made to the country ought to be made as early as a regard for the great interests of the country will permit. But I say further, my Lords, that so far as it depends on me, no taunt, no challenge, no difficulty to which I may be subjected, and no mortification to which I may be exposed, shall induce me to recommend to my Sovereign that that dissolution of Parliament, however anxious I may be for the decision, shall take place one hour sooner than regard to these great and paramount interests renders necessary. My Lords, let me venture to look back for a moment to the circumstances under which Her Majesty's present Government have assumed—the noble Lord was good enough to say have taken upon them—power:—I would correct the expression, and say, have assumed the responsibilities and the duties of office. The late Government fell by no adverse Motion of ours:—least of all did they fall by any adverse Motion involving the question of protection to the landed interest. Patiently and steadily we have abstained from pressing that question in the shape of direct protection upon the attention of Parliament. The noble Lord will not, I think, venture to say that from those who sit opposite to him in this House, or from those who sit opposite to his party in the other, the late Government had encountered a factious opposition, or a desire to eject them from office. By what, then, did the late Ministry fall? They fell by their own internal weakness: they fell by their confessed and notorious inability to conduct the business of the country: they fell by the absence of their friends: they fell by having quarrelled with their Colleagues: they fell by their inability to muster 130 Gentlemen in the House of Commons to give them support upon a question which they declared to be vital to their existence. My Lords, it was under these circumstances that we were called upon to assume office; and I for one—and I thank my noble friends and my colleagues in the Government for the readiness with which they answered to the call—felt that in the then state of this country, internally and externally, the country ought not, and should not, be left without a Government. My Lords, when that division took place on the Militia Bill which was the ostensible cause of the fall of the late Government—the real cause was very different, and, perhaps, the noble Earl opposite, whom I see taking a note (Earl Grey), may be somewhat aware of that cause—I say, when the late Government had been placed in that minority, the noble Lord at the head of the Treasury announced to Parliament, that subsequently to that decision he had consulted his colleagues as to the propriety of their resignation, or of a dissolution of Parliament, and that he had come to the conclusion that under the circumstances of the country a dissolution was inexpedient. Inexpedient for whom, my Lords? Inexpedient for the noble Lord and his colleagues, or inexpedient for the interests of the country? I will not so far impute such unworthy motives to the noble Lord as to suggest that it was to the convenience or advantage of his colleagues and himself that he looked. I can only consider that he and his colleagues came to the conclusion that a dissolution of Parliament at the present moment—whatever results it might have upon the future constitution of parties—that such a dissolution of Parliament was not only inexpedient, but that it would be positively dangerous to the interests of the country. Then, my Lords, I ask with what face can any man or body of men who have declared that a dissolution is inexpedient—who have declared that they were unable themselves to conduct the Government—who have advised the Queen to send for me to undertake the duties of responsible Minister of the Crown—with what face, or upon what pretext, I say, can any one of these men, or any body of these men, call for a premature dissolution of Parliament which they themselves condemn; or seek to embarrass that Government which, if they succeeded in destroying, they know they would not have the means of rebuilding, or of building another in its place? But the noble Baron said that upon this particular question of the corn laws we ought to have taken one of two courses: either we ought plainly and simply to have declared that, having now obtained office by the support of those who call themselves the Protectionist party, we are ready to throw down the ladder by which we have mounted to office, in which case, the noble Baron says, he will be the last man to taunt us with our inconsistency; or else, that we ought to come forward at the present moment, and at once state in the fullest and completest detail the course which we intend to recommend to Parliament—which course we have ourselves declared that we have no intention of recommending to Parliament until another Parliament has assembled. Now in order to judge of the propriety of our conduct in this case, I will ask the noble Lord to look back to the last occasion when a change of Government took place in this country. In 1846 the late Sir R. Peel's Government was ejected from office by an adverse vote upon an important Irish question, which was introduced and supported by a Gentleman who subsequently formed one of the Administration which succeeded that of Sir Robert Peel. In 1846, this Motion, in opposition to the policy of the then Government, was carried successfully against Sir Robert Peel. There was the usual intervening period between the fall of the old Ministry and the formation of the new; and at the end of a fortnight's time—precisely the same as under the existing circumstances—Lord John Russell appeared in the House of Commons as First Minister of the Crown, and stated what were those Bills lying on the table of the House with which he intended to proceed, and what were those which he proposed to abandon. On that occasion Lord John Russell was taunted by one of those hon. Members who is now supporting him—the hon. Member for Finsbury (Mr. T. S. Duncombe)—and he was called upon by the House to state the principles upon which he intended to conduct his Government, and the course which he intended to pursue in regard to special and important measures [*see* 3 *Hansard*, lxxxvii. 1167, 1175]. Well, I commend to the noble Baron's attention, and to the attention of other noble Lords opposite, the very detailed and elaborate answer made by Lord John Russell standing in the position of First Minister of the Crown. Lord John Russell denied the right of Parliament to put such a question; he denied that it was the duty of the Government to answer such a question. Lord John Russell declared further, that, upon the particular subject referred to, he would give no answer whatever; and, in fact, he refused to pledge himself to any particular course with regard to most important measures—a measure of Parliamentary Reform, and a measure dealing with the Church of Ireland. But he went still further; and with regard to a measure connected with the Church of Ireland, he used these remarkable expressions:—

> "I do not say that I am satisfied with the existing state of things. I may desire to reduce the revenues of the Protestant Church of Ireland. I may desire to endow the Roman Catholic Church in Ireland. I retain the opinions I have expressed upon both those questions; but the people of England entertain different opinions, and I will be guided entirely in my course by the recorded opinions of the people of England. And I will not pledge myself as to the course which now, hereafter, or at any time I will take upon the important and vital questions—the maintenance in its integrity of the Protestant Church in Ireland, and the endowment of the Roman Catholic Church."

Those were the doctrines of Lord John Russell in 1846. Those were the doctrines in which the Opposition of that day acquiesced, and warmly and cheerfully acquiesced. Those were the principles upon which, without let or hindrance, Lord John Russell and the Government which had taken office in the middle of the Session, were permitted to proceed to the close of the Session, without any factious interruptions—and whereby they were enabled to carry on so much of the business of the country as pressed for the immediate consideration of Parliament. My Lords, I ask no more. I ask for justice, not to me, not to my Colleagues, but I ask for justice to the great interests of our common country. I ask not to be precluded from making the necessary financial arrangements for the public service. I ask not to be precluded from placing the country in a permanent state of internal organisation against the possible danger of foreign invasion. I ask you not to interrupt the course of all public and private business—I ask not to be called upon to interfere with those useful law reforms which have already been sketched out to your Lordships, which proceed from the recommendations of a Commission appointed by the former Government, and upon which the heart and mind of the people are distinctly set. I call upon you, my Lords—indeed, I ought to beg pardon of my noble and learned Friend on the bench below me (Lord Lyndhurst) in alluding to this subject, because the noble and learned Lord the other day, in dwelling upon these important questions, made a most able and elaborate statement, in which he showed all the inconveniences of a dissolution at this period of the year; and I am conscious how incapable I am after such an eloquent and unanswerable speech to press those topics upon your consideration, and to enumerate the evils that must arise from a premature interruption of these proceedings. In common with the noble Lord, I say of those who advocate it, they have no ground for thinking it required. It is said by the noble Lords opposite, it is said by the right hon. Gentlemen in the other House of Parliament, that they have no apprehension as to what the verdict of the country, on an appeal now or at a future time, would be. If that be so, why the anxiety, why the alarm, where the uncertainty? I have told you, in regard to financial and commercial measures, that neither I nor my Colleagues in the course of the present Session intend to make any proposition to Parliament attempting to disturb the existing state of things. I have told you before—I repeat now—that the next election must finally decide, at once and for ever, this great question in respect to our commercial policy, and that in the meantime we shall not propose any measure that can call for such an opposition as is now threatening us. I have told you before—I repeat now—that in the meantime the uncertainty is no more than if the Government had not been changed, while that uncertainty must necessarily be of less protracted duration; but I say that if the business of the country be interrupted—if it be factiously interrupted—in this House I have no fear that will be so, and in the other House I hope better counsels may prevail—but if that business be interrupted, depend upon it, whatever the merits of the case—whatever may be the judgment on the abstract question Parliament may be prepared to pronounce—that that factious interruption to necessary measures, that that interruption to the course of a Government endeavouring to carry on the business of the country in the absence of any other Government which by any possibility could conduct it, will be visited—and justly visited—on the heads of those who are the fomenters of that interruption. As to this state of alarm, of anxiety, of uncertainty, which is said to prevail—where are the indications of it? To me, indeed, the country appears to be tranquil, peaceable, and contented. Is there a more correct barometer of public apprehensions and public feelings than the public funds? Well, will the noble Lords opposite point out to me a single moment during the whole period in which they held office at which the funds were so high, so steady, with such a tendency to advance, as at this present moment, when, according to the noble Baron, the whole nation is in a state of panic? Now, my Lords, the question of the commercial and financial concerns of this country is not, as the noble Lord seems to infer, or would desire to have it inferred, a mere question of the imposition, or non-imposition of a moderate duty on the import of foreign corn. Nor is this any question as to the total reversal of the policy of Sir Robert Peel, either with regard to the imposition of a duty on corn, or with regard to the navigation laws, or with regard to any one of those series of important measures, in a portion of which I willingly acquiesced, which I do not wish to see reversed, but which I do think were carried out to an unnecessary and dangerous extent. The noble Baron himself admits that with one great class of the community serious evil, and serious injury, has been the consequence not only of the adoption, but of the mode of the adoption, of the principles of free trade. My Lords, I feel that there are other interests which have similarly suffered, and are similarly suffering—not to the same extent as the class referred to by the noble Lord, but still to a considerable extent—from the alterations which were made. But, on that account, do I desire to go back upon all the legislation of the last few years? Why, I recollect well that at the time the measure for the repeal of the Navigation Laws was under discussion, I warned your Lordships against adopting it for this, among other reasons, that whatever might be the case with regard to the customs duties, the new principle of the Navigation Laws once adopted, would be final and irrevocable, and that you could never hope to go back to the old principle. I made that statement at the time; I repeat it now. I do not desire to go back to the laws of 1846 with regard to corn, and I do not desire to go back to the tariff of 1842. But I do desire your Lordships and the country calmly and deliberately to consider—not through the means of local agitation—God knows I should be the last man to stimulate agitation!—not through the agitation of persons who perhaps make more noise than argument—who put down large subscriptions—on paper—who have exercised, and still perhaps may exercise, a dangerous influence on the community, and who, perhaps, may succeed for a time in creating local apprehensions. I do not look for such intervention; but I say it is a question which ought to be calmly and deliberately considered by Parliament and the country, not simply whether there ought to be, or ought not to be, one particular mode of legislation, the imposition of moderate duties on corn—but whether you will apply yourselves, not to a total reversal of an established system but to such modifications of your system as shall lighten the blow and alleviate the injustice which has been inflicted as its necessary result upon those interests which noble Lords opposite confess to have suffered by our recent policy. My Lords, I have frequently expressed to your Lordships my individual opinion—and I do not think my Colleagues would individually differ with me in that opinion—that for the relief of the farmer—without creating corresponding difficulties in meeting the expenditure of the country, and without throwing the burden on other classes, the imposition of a moderate duty on foreign corn, while it would produce a large revenue, and thereby enable other classes of taxation to be removed, while it would cause hardly any appreciable effect on the price of the food of the people, would be at once a most just, a most economical, and for the country a most advantageous mode of effecting the object desired. But, I say, at the same time, that is a proposition which no Minister ought to bring forward and submit to Parliament, unless he were clear, not only of a bare majority in Parliament, but also clear of a very general concurrence of opinion throughout the country. And as I say that that is only one portion of a great question, it is the duty of Ministers who think and feel with me, to devise carefully, calmly, and deliberately, such measures as they may think best calculated for alleviating the injustice and mitigating the distresses which change in the commercial laws have occasioned to large sections of the community. Further, I say that in taking into consideration the course which they ought to pursue under such circumstances, they are bound not—as the noble Baron suggested—to fling down a distinct and fixed proposition as to the precise mode of operation, which proposition, for five or six months to come, must necessarily be the subject of angry controversy and popular discussion; but they are bound, having commended the case of these differing interests, not to the consideration of agitators, but to the clear and deliberate sense of the country; and having ascertained that deliberate sense, then to take those measures which, even if abstractedly in their own judgment they regarded as not the most desirable that could be framed, yet which they may be capable of carrying into effect, with the general concurrence of Parliament, and without arousing angry and hostile feelings, and thus give unequivocally valuable relief to different classes of the community. I believe that that is a more statesmanlike course than the course which the noble Lord suggests. I believe that that course is to be preferred to our hastily bringing forward a proposition, clear, perhaps, of having it negatived, and then subsequently forcing a general election, and thus appealing to the judgment of the country on that one question, and on that one question alone. That cannot be the proper mode. It is not alone a mere party question, whether a duty shall be imposed on this or that description of foreign produce; it is not alone even on the whole commercial question, great as that question is, upon which, when we make an appeal to the country, I intend that that appeal shall rest. My Lords, I saw with regret and with susprise proceedings taking place not long ago—I needn't use the same circumlocution in speaking of Chesham Place which I should have to use in speaking of "another place"—and I will therefore say that I have seen with some surprise and some regret the proceedings which are stated to have occurred in Chesham Place, and which, I think, bid fair to render the Chesham Place convention a fit rival with the Lichfield House compact. I saw that on that occasion the noble Lord who preceded me in the office I have now the honour to hold, had summoned together a large body of his supporters to consult with them on the course they should take in opposition. Looking to the circumstances under which that noble Lord quitted office, I should have thought that the last object which he would have had in view, as a statesman and as a patriot, would have been the organisation of an opposition against the Government, which he knew had been compelled to assume office by his retirement. But I confess that my surprise and regret were much increased, when I saw the nature of the association which the noble Lord has formed. The noble Lord on that occasion was attended by 168 Members of the House of Commons.

Where were those 168 when the Government was going to a division on its Militia Bill? Their presence and support on that occasion would have averted the blow, or at least would have given a more dignified character to the catastrophe. But, abstaining from rendering assistance when they could have saved the former Government, they now willingly join in a cry of raising an opposition for the purpose of thwarting and impeding the course of the present Government—joining, indeed, those who are ready to take measures to make the existence of any Government impossible. I have seen all this with extreme regret. I may wrong the noble Lord; I speak only from the authority of public intelligence—I speak only on the authority of those newspapers which generally support the policy of the noble Lord—but I apprehend that what passed at Chesham Place is not matter of secrecy or doubt—and I repeat that I regret to find the noble Lord stating distinctly that he had concerted his plan of operation in opposition with Sir James Graham on one side, and with Mr. Cobden on the other. I find that Sir James Graham was not present; but Mr. Cobden, Mr. Bright, Mr. Villiers, Mr. Hume, and one or two other Gentlemen, appeared to take the principal part in the discussions which are reported; and in that united assembly the noble Lord, hardly one week out of office, the author of a Reform Bill which he had laid before Parliament, with the assent of his Colleagues, for the purpose of settling the representation of the country, was called upon by his supporters to amend that nugatory and absurd Bill; and hardly out of office one week, the noble Lord had no hesitation in stating that if he were called upon to form another Cabinet, it would be on a very different and on a much wider basis than that of the Government of which he had recently been the head. This, then, is the position in which Her Majesty's present and late Governments stand. The head of the late Government has been unable to maintain his place, but thinks it not unworthy of his high character and station to associate with those who during the continuance of his Government ceaselessly opposed him, for the mere purpose of rendering the difficulties of those who have succeeded to the management of affairs positively insurmountable. And the noble Lord has pledged himself in the face of the country, if these reports are to be relied on, that the next Administration, formed under his auspices, shall not be a Whig Administration, but an Administration on a much wider basis. As regards the present Government, we go to the country when it becomes consistent with our duty to our Sovereign and to the country to appeal to it, upon no narrow plan of commercial policy, having reference to duties on corn; we leave that question to the deliberate judgment, to the general concurrence of the country, without which I will not bring forward that proposition. I say, my Lords, I will not flinch from performing my duty for fear of any noisy agitation. If the good sense and judgment of Parliament and of the country be with me in support of a measure which I believe would be a useful measure for the country, I will propose that measure. But I will not overstrain the influence which may belong to a Government; I will not abuse the high position in which the favour of my Sovereign has placed me; I will not urge on a struggle, and I will not by a mere and bare majority of votes force on the country a measure against which a great portion of the country may entertain a decided opposition. There may be those who would object to the specific measure of relief who will yet be ready to join me in supporting the great institutions of the country, and in affording modified relief to those classes who have suffered peculiarly from your legislation; and I would not wish to withhold from Her Majesty's Government the valuable aid of those who unite with us in general principles, and who, agreeing with us as to the distress of these particular interests, are ready to join with us in assisting them, though they may differ with us as to the specific mode of affording the relief, and would be unable to give us assistance in carrying the distinct proposal to which I have referred. For we are threatened with far more serious consequences than could result from the imposition of a 4*s*., 5*s*., or 7*s*. duty on foreign corn. The question before us is, whether the Government of this country can be carried on, and as to the principles on which it is to be carried on. And when I appeal to the country it will be on these grounds: Will you, Protectionists and Free Traders, all you who desire the advantage of all the interests of the country, place your confidence in, and give your support to, a Government which, in the hour of peril, did not hesitate to take the post of danger when the helmsman had left the helm? Will you support a Government which is exerting itself to protect the country against any hostile attack, to maintain the peace of the world, to maintain and uphold the Protestant institutions of the country, to give, to the utmost of its power, religious and moral education throughout the land; and which will exert itself, moreover, I don't hesitate to say, to stem with some opposition, to supply some barrier, against the current of that continually increasing and encroaching democratic influence in this nation, which is bent on throwing the whole power and authority of the Government nominally into the hands of the masses, but practically and really into those of demagogues and republicans, who exercise an influence over those unthinking masses—will you, I say, support a Government which is determined to resist that noxious and dangerous influence, and to preserve inviolate the prerogatives of the Crown, the rights of your Lordships' House, and the liberties of a freely elected and freely represented House of Commons? These, my Lords, are the questions on which, when I go to the country, I make my appeal, on behalf of myself and of my Colleagues; and in the words which are placed in the mouths of the meanest felons that stand in the prisoners' dock, but which are not unworthy of the mouth of the First Minister of the first country in the world, I say, "I elect that we shall be tried by God and our country."

EARL GREY, after a few sentences which were inaudible, said: My Lords, I am astonished that, after the able and temperate manner in which the present question has been introduced to the House by my noble Friend near me (Lord Beaumont), and with the knowledge which we all have of the deep interest taken by the country in this question; how from one end of the country to the other that anxiety is manifested in the clearest form, I am astonished the noble Earl, the First Minister, should have thought it worthy of him to amuse your Lordships—or rather, try to amuse your Lordships—for a full quarter of an hour with light and irrelevant remarks respecting the signatures to the petition which was presented. The petition was presented as a matter of form, simply to put my noble Friend in order in raising the discussion; and, under the circumstances, the noble Earl, the First Minister, has condescended, I think, to what I must say are miserable witticisms on the petitions, quite unworthy of him and of the subject. My noble Friend asked whether it was the intention of the Government to propose any alteration in the law with regard to the importation of corn. In reply my noble Friend has only got the individual opinion of the First Minister. The individual opinions of the First Minister, and of his Colleagues, are stated to be in favour of such a change; but your Lordships are informed, that whether the Government proposes it or not, will depend on whether there is a majority in favour of such a measure in a new Parliament. Now, this is something quite new in our constitutional history. I have always been taught to believe that a statesman in England ought to claim the confidence of the country, not on his abstract opinion, but on that course of policy which he would be prepared to take the responsibility of recommending to Parliament. But what we are now told is quite new, and no less strange than it is new, that the Gentlemen who have been called to the councils of their Sovereign have themselves the strongest possible opinions upon the policy which ought to be pursued on a great question—that they are convinced that both for the interest of the country, and respect to one large class of the community, a particular course ought to be adopted, but that they will not say whether they mean to take the course they think right or not. This, I think, is totally unprecedented. The First Minister has told us, indeed, that, in 1846, on coming into office Lord John Russell took a similar course in regard to the Irish Church measure— [The Earl of DERBY: And other measures.] And in regard to other measures. Now, my Lords, not expecting that what occurred at that time would be adverted to on this occasion, I have not referred to the records of what then took place, and speak only from recollection as to what happened so long as five years and a half ago: it does not become me to be very positive in contradicting the noble Earl, but, at the same time, I must express my very strong conviction, that the statement of the noble Earl is altogether erroneous—a conviction which is strengthened by what I caught of the words then used by my noble Friend, Lord John Russell, as quoted by the noble Earl. I feel very confident that the answer returned in 1846 by Lord John Russell to the question put to him as to what would be the course of the Government respecting the Irish Church, was not that he would leave that course to be decided on by what might thereafter be the wish of the people of

England, but that he would abide by the recorded—the already expressed—opinions of the country. The real purport of his answer was to say, that, whatever might be the opinion of some members of the new Government on the Irish Church, no intention existed on the part of that Government of seeking to set aside the existing arrangement; and I defy anybody to contradict me when I say that that reply of my noble Friend was so understood by Parliament and by the country. The noble Earl, the First Minister, cannot therefore quote this as a precedent for his refusal of explanation as to the views of the present Government on the subject of Protection; and I must express my great surprise at his mentioning this as a subject of little practical importance, on which no explanation is necessary. He speaks now of this question as being a question of a paltry duty, which would affect only to an inappreciable amount the price of the food of the people. But if this is the case, I want very much to know why it is that such great efforts have been made during five years and a half to keep together a large party, under the banner of "Protection?" If this question is a question only of a paltry duty that would not affect appreciably the price of food, how is it that we have heard so much of such a change being indispensable to the preservation of the British farmer? But I will tell the noble Earl that it is not this light and trivial question. Whatever the noble Earl may say here—that it is not a question of reversing the commercial policy of the last six years—I will tell the noble Earl that when his Colleagues meet the farmers, they do distinctly declare that it is a question of reversing our commercial policy. What does the new Chancellor of the Duchy of Lancaster (Mr. Christopher) say to the farmers of Lincolnshire? That hon. Gentleman said, "I accept office under Lord Derby, from a conviction I have of his sincere desire to reverse that financial and commercial policy which has proved so injurious to native industry and capital." Well, is Mr. Christopher deceived as to the views and intentions of the noble Earl; or, is Mr. Christopher himself deceiving the electors of Lincolnshire; or, has the noble Earl deceived Mr. Christopher; or, lastly, is the noble Earl deceiving your Lordships in professing to think that this would be a question of "paltry" duty? I say that the question of augmenting by the smallest amount the existing duties on the food of the people, would, in the present state and temper of the people, prove a question of transcendent importance. It is, in short, a question of policy so vital to the country, that no Administration is entitled to keep it in the back ground. Therefore, I say the present Government are bound to state, one way or the other, whether they are for or against it, not as individuals, but as a collective Cabinet. My Lords, I will not repeat what has been already said by my noble Friend (Lord Beaumont) as to the evils which must attend a continuance of the uncertainty of the country as to the future intentions of the Government. But I must remark on the argument of the noble Earl, that the uncertainty as to our commercial policy has not been augmented by the change of Government, while the period for the termination of that uncertainty has been abbreviated; that, as far as I can judge of public feeling, until there was a change of Government, there seemed to be no uncertainty on the matter whatever. There was the most complete confidence that no change in the policy of the country would be attempted. But when the present Government succeeded to office, this uncertainty was immediately created; and for the best of all possible reasons—because it was generally known that the great object of the party was the re-establishment of protection. Let us look back to the circumstances of the last few years. The noble Earl states that the late Administration did not fall in consequence of any hostile vote from his party, that there was no factious opposition offered to it, but that it fell from sheer inherent weakness. Now, it is perfectly true, that the Administration of Lord John Russell came to an end, because it failed to obtain an efficient support in the other House of Parliament. The noble Earl said, that the vote of the House of Commons on the Militia Bill was the ostensible cause of the resignation of the Ministry; and the noble Earl, referring to me, remarked that I perhaps might be aware of the real cause. The insinuation is perfectly obvious: and, in answer to it, I must inform the noble Earl, that for my own part, and I believe speaking the opinion of my Colleagues, the only thing I greatly regretted in connexion with that division on the Militia Bill was, that it compelled the late Government to retire before the question of the Cape could be discussed by the House of Commons. There was nothing I so anxiously desired as that that discussion should take place; and for this, among other reasons, that I wished an hon. Friend of mine, who had lately filled the office of Under Secretary of State, to have had the opportunity, which I have no doubt, from what I have observed in the period in which I was connected with him, he would have availed himself of to distinguish himself. That division on the Militia Bill, however, made it impracticable for the late Government to continue in office; and I quite agree with the noble Earl that even if this division had not occurred, it was hardly probable that the late Government would have long retained office. I quite concur with the noble Earl in thinking that we had failed in obtaining such a support in the other House of Parliament as would have enabled us to conduct efficiently the affairs of the country; and I also think that when the late Government retired, it was desirable that the noble Earl should undertake the task of forming another Administration. But let me remind the noble Earl that this, though the truth, is not the whole truth. When the noble Earl says that the late Administration fell from the want of support, he ought to say what was the cause of that want of support. I say—and I defy the noble Earl to contradict me—that the cause and the reason of their not commanding the support of the other House of Parliament was, that the subject of protection was for five years and a half made the means of marshalling and arraying against them a powerful party. The noble Earl says that there was no factious opposition to the late Ministry. I do not say that there was; but it is not the less the fact, that by keeping up the cry of protection, by the noble Earl telling the farmers that he and his Friends could restore protection, the late Government was weakened, and that the opposition to them was thus strengthened cannot be denied. By speeches, by public dinners, by meetings, and by every practicable means, pains were taken to convince those connected with the land that by the noble Earl and his party protection would be restored. Not two years ago the noble Earl told a deputation of farmers to trust to him that he would yet succeed in restoring protection; that he was longing for the time which he was confident would come, when he should be able to address his followers in the memorable words of the noble Duke at the table, and cry, "Up, Guards, and at them!" [The Earl of DERBY: I told them to trust to themselves.] The noble Earl told them that they must trust to themselves, but that they should also trust to the party which was pledged to protection, and rally round it. What were the consequences? It is notorious that many noble Lords in your Lordships' House, who were attached to the Whig party, withdrew their support from my noble Friend, on the ground that we were opposed to protection, and because they hoped yet to get it back by means of the noble Earl. In the House of Commons this happened to a greater extent. Many Members of that House, who concurred with us on the question of free trade, differed from us on other matters; but, on the other hand, many who concurred with the noble Earl on the question of free trade, had no difference from my noble Friend (Lord John Russell) on any other question. The whole of that party was kept together by the expectation, so sedulously kept up, of the restoration of protection. In the same way, in many counties and boroughs, persons who were ready to give a general support to the then Government, and had a confidence in that Government, were prevented coming into Parliament by the opposition which was raised against them on the ground of protection. It is notorious, that by these means, not only were the ranks of the late Government weakened, but the ranks of the Opposition were strengthened. But, my Lords, this was not all. The noble Earl not only kept a powerful party together in the House of Commons by the cry of protection, but he did more; he led the party thus organised, I will not say in a factious, but certainly in a very eager and decided opposition to Her Majesty's Government. Those who were united together by the cry of protection by no means confined their opposition to the question of our commercial policy. No one could have expected it to be otherwise. It is the ordinary, fair, and legitimate course for those who are in opposition to the Government, and differ with the Government on an important question, to try to drive them from power by assaults on different questions. In accordance with that practice, the Protectionist party, kept together by means of the cry of protection, made continued attacks on the Government in this and the other House of Parliament, and they were ever ready to join with any, however they might differ from themselves, who were carrying on attacks against us. The whole circle of our domestic, foreign, and colonial policy was eagerly made the subject of attack. The noble Earl cannot deny that he, as the leader of that party, was the adviser and director of those attacks; and it is something more than public rumour, it is no secret, that the last attack—that which was made on my noble Friend below me (the Earl of Clarendon), was pressed on an unwilling soldier, who was dragged into the case; and that the noble Lord the present Chief Secretary for Ireland, was required to bring forward a resolution which was framed and even written by the noble Earl.

The EARL of DERBY was understood to say that there was no truth in the statement.

EARL GREY: I am very glad to hear it; but if the resolution was not written, it was at least counselled and directed, by the noble Earl; but, to the credit of many of his party be it said, they were ashamed of this Motion, and it was negatived by a considerable majority. An opposition of this kind, for five years, was conducted with vigour and ability (and I do not complain that it should be so), and at last it was successful. It is not, therefore, a correct statement for the noble Earl to say that the assumption of the Government was forced upon him. It devolved on him, as the natural and necessary consequence of a long-continued and ultimately successful opposition. It cannot, therefore, be urged that the manner in which the present Government was formed, constitutes any justification for a departure from the ordinary rules of proceeding, as to the course which that Government is now to take. But when an Opposition has been kept together for a long time by an avowed concurrence of opinion of a number of individuals on one particular question, what is the course we should expect to be pursued when that Opposition has triumphed, and taken on itself the responsibility of office? Why, it is naturally to be expected that they will endeavour to give effect to the views they expressed when in opposition. I should have expected, therefore, that the noble Earl on assuming office would have told us, as he did last year, that he retained his former opinions, and that he could not, as an honest man or a man of honour, sacrifice those opinions. In February of last year, the noble Earl tried to form a Ministry, and having failed to do so he explained to the House fully the feelings and motives which influenced his conduct. I find in his speech the following remarkable statement. The noble Earl said—

> "It was impossible for me, even had my convictions been less strong than they were, as an honest man, to take office without a full determination to deal with that distress, and endeavour to apply to it, as a Minister, effective measures of relief. I stated that if I could so far forget myself as to sacrifice my own honest convictions, the loss of honour that would be involved in such a course would make my services worse than valueless. I said I had entertained, and that I retained, the opinion that it was the duty of the Government, if it were impossible to do full justice, at all events to take steps towards mitigating the injustice under which the proprietors and occupiers of land in this country were suffering. I did not bind myself to any specific measure; but I did state that I would not take office on any other condition than that of endeavouring, *bonâ fide*, to give effect to my own conviction of the necessity of legislating for the relief of that class of Her Majesty's subjects." [3 *Hansard*, cxiv. 1007.]

And a few sentences further on the noble Earl proceeded to say—

> "I cannot, as an honest man, abandon the attempt to relieve the existing distress by retracing the false step which has been taken, and to remedy the wrong done by the imposition of a moderate import duty upon corn."

This was the declaration of the noble Earl last year. Now I say that when an Opposition, based on protection, which used protection as a lever to upset a preceding Administration, accedes to office, we have a right to say, do you still adhere to those opinions, or do you not? If the noble Earl adheres to the opinions he expressed last year, he is perfectly justified in saying, "I will not bring forward a policy to which the present House of Commons is opposed, and which can have no confidence in a Government founded on the views which it entertained in opposition." But if the noble Earl still adheres to that policy, and cannot propose it in the present House of Commons, because he knows that the House of Commons is opposed to it, it seems to me the natural inference that the same course should be taken as was taken in 1841, when the then Government, on a question of financial policy, being in a minority and not having the confidence of Parliament, were informed that it was their duty, if they did not resign, to take the sense of the country as soon as possible, and fairly bring the subject to an issue. My Lords, I think the same course is to be expected from the noble Earl. If the noble Earl adheres to a policy to which the House of Commons is opposed, a policy which is the subject of great interest to the country, and which both protectionists and free-traders deem of vital importance, I think he is bound, as was done in 1841, to take the sense of the country as soon as possible. If he had done so, I am persuaded that no party in either House would have offered any obstruction to his measures, and that every facility would have been given to him in carrying on the necessary business of the country, in order to enable him to proceed to a dissolution. But the noble Earl says that an early dissolution must necessarily delay many important measures for which the country is highly anxious, and that great responsibility will rest on those who impede the progress of these measures in the present Parliament. I do not say that there will be no inconvenience attendant on the postponement of those measures; but if the opinion of the country on the questions of free trade and protection is to be taken, I cannot see how this is to be avoided—and the step should be taken as speedily as possible. Referring to the events of 1841, and the course taken by Sir Robert Peel, with whom the noble Earl was then acting, it will be seen that Sir Robert Peel said that when it was evident that the days of the then Parliament were numbered, they could not usefully enter on the discussion of any important measures; and he urged that Parliament should be dissolved and a new one assembled as soon as possible: and he relieved the scruples of my noble Friend Lord John Russell (I was not a Member of the Government at that time, but I remember it very well), with regard to any constitutional objections he might entertain as to state what advice he might intend giving to the Crown, by showing that such a course was regular, and that there was precedent for it. In consequence of the request thus addressed to him, my noble Friend, Lord John Russell, gave an assurance that Parliament should be dissolved, and it was dissolved as soon as possible. My Lords, if Her Majesty's present Government mean to bring forward this subject of protection, it seems to me quite obvious, that according to our former precedents, this is the course they should take; but, at the same time, I, for one, have no wish to drive them to it. I should listen to them with the greatest satisfaction if they would come forward and boldly and frankly say, "We find that when we consider this question with the responsibility our present situation imposes upon us, although our opinions remain unaltered as to the policy of 1846, still we are convinced that it is not, on the whole, for the good of the country that the question should be again agitated." My Lords, if they were to do this, no doubt they would expose themselves to be reminded by their own followers of their own former attacks upon Sir Robert Peel; but that would only be the unavoidable consequence of their want of candour, or of foresight, during the five years in which they have supported protection; it would be a penalty they ought to pay for the error they have committed; and if they really mean to abandon protection; they are bound fairly, frankly, and explicitly to avow it. I am convinced of this—whatever reproaches their followers may cast upon them for deserting their opinions, and disappointing the expectations they have wilfully raised—whatever reproaches of this kind may be cast upon them, will not be diminished, but will, on the contrary, only be increased and rendered more just and telling, if the noble Earl, refusing frankly to avow his alteration of opinion, practically evades the performance of that which his followers considered he had promised. My Lords, look to the extraordinary position in which the noble Earl is placed. The noble Earl has told us tonight that he retains all his old opinions, but that the imposition of a duty upon corn is not to be attempted except with the full concurrence of the country. He says that such measures are not to be carried by a bare Parliamentary majority—that it is not his intention to do violence to the consciences of any class—that he will not seek to obtain enforced support, or to influence his followers or the constituencies, but that he will leave the question to be settled by the calm and temperate consideration of the people. Is there any man of common understanding who heard these words, that does not see that this is in reality giving up the question? Does any person suppose that the restoration of protection can be carried by such rosewater support as this? Does any person believe that, even if it were supported with the whole strength and power of the Government of the noble Earl and his Coleagues, the reimposition of any duty on the importation of corn could be accomplished without extreme difficulty? My Lords, I do not believe it could be accomplished at all. I have too much confidence in the good sense of the people to think they will allow any departure from the policy which has been adopted with such triumphant success during the last six years. That it could be established otherwise than with great difficulty is not for one moment to be supposed: then what is the object of maintaining the sort of reserve the noble Earl affects on the question? If the noble Earl means to give up protection, why does he not say so? The reason is obvious. The noble Earl wishes his supporters to canvass the counties as Protectionists. He means that one of them should canvass Lincolnshire as a person pledged to reverse the commercial policy of the last five years; and another, whose address I have seen, should be able to solicit the votes of the electors of Macclesfield as a supporter of the Government, but an opponent of a duty upon corn. He wishes his supporters, to canvass the counties as Protectionists, and to canvass the towns as Free-traders. Let me ask those who for five years have made great sacrifices for Protection—whose interests have been injured by the doubts that have been raised regarding its restoration, and who have been taught to expect that Protection will be renewed—will it be to them any reason for lessening their just right to complain of the noble Earl's conduct for the last five years, if he now leaves the question open? Far from it. The noble Earl and his friends were very severe upon the conduct of Sir Robert Peel; but if Sir Robert Peel was to be blamed with reference to the corn laws—if any just censure could be thrown upon the conduct of Sir Robert Peel, it is this, that prior to 1846 he had not changed his policy—that he had been too long in arriving at a conviction with respect to the necessity for abandoning the policy of the then existing law; or, if he had arrived at the conviction, had not the candour sooner to avow it. The charge of a want of foresight, or a want of candour (of course I believe it to be a want of foresight), prior to 1846, is the only charge in reference to this subject that can be brought against Sir Robert Peel. Looking to the great sacrifice he made in 1846, and to the fact that every personal and private interest was opposed to his taking the course he did, I think that nothing but the most unreasoning animosity could for one moment believe that Sir Robert Peel, in proposing the repeal of the corn law in 1846, was actuated by any other motive than a desire to do what he believed the good, and I may add the safety, of the country indispensably required. Looking back at the interval of time since the measure was passed, and with the calmness with which the question may now be considered, I believe hardly any person could be found to deny that this is the correct judgment to be pronounced upon Sir Robert Peel. So now, if the noble Earl were to abandon protection, and tell the farmers and landowners that they had better awaken from their dreams, and apply themselves to other means of regaining prosperity, because protection is an impossibility, does anybody believe that in holding that language the noble Earl would be liable to be justly charged with holding language now inconsistent with his real opinions? For my part, I say that by holding frankly this language, he would make the best amends now in his power for what he has done. The only reproach he would become obnoxious to by thus dealing with this question now—and I admit it would be far more serious than the one to which Sir Robert Peel was liable—would be that for five years he had knowingly used protection as a political instrument, irrespective of the real interests of those whose cause he professed to maintain, knowing that ultimately the restoration of protection was impossible. Undoubtedly, looking to the noble Earl's language to the farmers two years ago in his own house—which I have quoted—and looking to the course of conduct at all times pursued by his party, it would be difficult for the noble Earl to prove that it was mere want of foresight, not want of candour, that had been the cause of his conduct, and that he had not knowingly made use of the cry of Protection merely as a political instrument. But, my Lords, look how infinitely the assumption is increased if now, when he abandons practically all attempt to restore Protection, he shrinks in doing so from following the example of Sir Robert Peel, and openly, manfully, and frankly declaring that he was in error, and that he therefore gives up protection. If, instead of thus fairly avowing that he cannot keep his promise to the farmers, he evades it by saying he will perform it, when a condition he well knows to be impossible is fulfilled; if he endeavours to creep out of his pledge in this manner, he convicts himself in the eyes of every man of common discernment not only of having hitherto used the cry of protection as a political instrument in opposition, but of continuing to do so, in the station he now occupies, by still professing his adherence to the policy of protection, while, in reality, he evades an attempt to carry it into effect. My Lords, I say that the noble Earl incurs the deepest responsibility by thus playing with the best interests of the country, and by keeping alive this question between different classes of the community, when he knows in his heart the contest is really at an end—that protection can never be restored, and that one word from him, avowing that he had come to this conclusion, would at once put an end to any further doubt or contention on the subject. By taking the line he has adopted, the noble Earl has indeed incurred a fearful responsibility; and it is my firm belief that in the whole Parliamentary annals of this country there is no instance in which the public interests have been so entirely sacrificed to party objects.

Lord ABINGER denied that the question of protection had been kept constantly before Parliament, for until this moment he had not had an opportunity of expressing his opinions upon it. He also denied that the claims of those demanding protection had been factiously pressed upon Parliament. He estimated the loss to the landlords and tenant-farmers of this country, through a repeal of the corn laws, at 30,000,000*l.* value of annual revenue; a sum which amounted to three-fifths of the annual revenue of the country. It was impossible that a confiscation of property of this great magnitude could take place, without inflicting a deep and lasting injury upon the agricultural interest. He had not only taken the liberty of remonstrating with the late Sir Robert Peel on the subject of the Corn Law Repeal, but upon the question of the franchise; for he (Lord Abinger) had always felt that since the Reform Bill the institutions of the country had rested on a much less firm foundation than before. While he admitted that the labourers in this country had benefited by the repeal of the Corn Laws, yet it was not the less confiscation that the labourers should live at the expense of the capitalists. The position of the landlords at this moment reminded him of that of the French citizen who had to smile graciously on the revolutionary crowd to whom he was giving an involuntary banquet in the street. Without begrudging the advantages which the labourers had derived from a change in the law, he still did not think it right that a whole nation should be fed at the expense of the landlords. For what was that but benefiting one class at the expense of the other? In the present state of the question, he should say to his brother farmer, "You still may sow, but sow less; do not farm worse, but farm less, and reduce your expenses." And he would advise those who had dealings with the labourers to trust to their fidelity and prudence, and above all to their sense of justice.

The Marquess of CLANRICARDE thought the advice of the noble Lord to the farmers not to agitate, came most admirably after the speech of the noble Earl (the Earl of Derby), which he had heard in part with some satisfaction; but as to the greatest part of it with the deepest regret. The noble Earl would excuse him for saying, without any diminution of personal respect, that a more unstatesmanlike speech he had never heard or read from any man in office. His advice was to agitate on this question to the fullest extent on both sides; and he said that then he would abide by the decision of the country. The noble Earl said that but few persons had signed the petition now before their Lordships, and he remarked with some derision on their occupations, as if farmers were the only persons to be considered in this matter; but the gentleman particularly referred to by the noble Earl, who had signed the petition, was an auctioneer, and probably a land-valuer, and of the question in hand was probably a good authority. But was this a question one that could rest between the noble Earl and the producers of corn, and did it not extend to consumers? He (the Marquess of Clanricarde) had risen simply to express satisfaction at one part of the noble Earl's speech, which he took to be a complete abandonment of the question of protection. He understood the noble Earl distinctly to say, that unless there was a large majority, or at least a considerable majority, in Parliament, and unless that majority was supported by a general concurrence of opinion in the country in its favour, he would not attempt a protective policy. He (the Marquess of Clanricarde) used that phrase because he understood the noble Earl did not confine his remarks to a duty on foreign corn, but extended them to those other measures which were usually understood as constituting a protection policy.

The EARL of DERBY: The noble Marquess is mistaken. What I said was this; that with respect to the particular question of an import duty on foreign corn, I did not think it was a question which ought to be proposed by Government to Parliament, unless we were satisfied not only that we should be able to carry it by a fair majority in Parliament, but that there was also a general concurrence of opinion in the country in its favour. I made these remarks solely with reference to an import duty on corn, and not by any means, as the noble Marquess supposes, to the protection policy—that is, to doing that which under any circumstances, whether in a majority or a minority, we are bound to do, or to attempt, namely, to mitigate the distresses to which the agriculturists are subject in consequence of the adoption of free trade.

The MARQUESS of CLANRICARDE said, he had used the phrase "protection policy" because he was not aware that the noble Earl had made any limitation, and because it was difficult to know precisely what that policy was. But, looking at the whole speech of the noble Earl, he still thought that as the noble Earl had resolved to attempt a renewal of protection, provided only he obtained a majority in Parliament, and a general concurrence of opinion in the country in its favour; and as Parliament had already declared itself to be adverse to protection, and the country was known to be still more adverse, that policy might be considered as virtually, totally, and really abandoned; and therefore he thought that the recommendation which had been given by the noble Earl beside him (Earl Grey), namely, that the Government should at once candidly declare that they had abandoned protection, was one which might wisely be followed. The noble Earl had emphatically talked of the danger of a dissolution of Parliament in the present state of the country. He could have wished that the noble Earl had more clearly stated wherein he considered that danger to consist; for he (the Marquess of Clanricarde) denied that the country was in a dangerous state at present; and his reasons for objecting to a revision, which implies of course an alteration of our financial and commercial policy, were to a large extent founded upon that opinion; the consequences of that policy had been to raise the prosperity and welfare of the country to an almost unprecedented pitch, and therefore he objected to any revival, or change of it. The noble Earl also talked of the measures necessary to be adopted for the defences of the country. He (the Marquess of Clanricarde) knew not what measures the Government meant to propose for that purpose; but of this he felt sure, that if the noble Earl should come down to Parliament and propose measures which would put the country in a better state of defence within seven or eight, or probably in two, months, he had not the least doubt that Parliament would be readily inclined to pass any Bill for that purpose, if declared to be necessary, without delay; but any other reason for delaying the dissolution he was totally at a loss to conceive. The country was never in a more tranquil state than at the present moment; the agitation, of which the noble Earl had this night given the signal, had not yet commenced. The noble Earl had said that there had only been one petition on the subject, with thirteen signatures. Did he wish for more petitions? If he did, he could assure the noble Earl that he would have petitions enough and signatures enough before long. But, for his own part, he wished rather that the petitions should be rendered unnecessary, and that agitation should not commence. But the noble Earl said, he was guided by precedent in the course he was now pursuing, and he quoted one, which however did not apply. If the noble Earl looked to the best constitutional authorities, he would find that for the last century the course had almost invariably been, that a dissolution had speedily followed a change of Government. For instance, Lord John Russell took office at the end of June, 1846, and the only new measure introduced previous to a dissolution was the measure relating to the sugar duties, and that was indispensable, because the previous Act was about to expire. Then let him look back to the case of Mr. Pitt in 1784–5, and also to the case of the Duke of Portland in 1807. The question was, did the Government now in office hold different opinions from their predecessors or not, with respect to the financial and commercial policy of the country? If they did, then there ought to be an appeal to the country on that point, and that speedily. He (the Marquess of Clanricarde) thought the more desirable course to be pursued would be to decide the question to which the petition related at once, for by keeping it still unsettled, they were only exposing the country to all the dangers of uncertainty and of agitation for a long time. He thought, therefore, it would be for the honour of the noble Earl's own character, that he should avow at once his conviction of the necessity of not altering our present financial and commercial policy; and that he saw the dangers of now unsettling that policy. Of this he (the Marquess of Clanricarde) was most sincerely of opinion, because he felt convinced that if there is one thing which this country is less inclined to stand than another, it is public men playing fast and loose with great questions. He confessed he was astonished at the speech of the noble and learned Lord (Lord Lyndhurst) on this subject the other evening, for he remembered that the noble and learned Lord, when the dissolution which took place in 1835 was attacked, distinctly stated that a dissolution followed a change of Ministry as a matter of course. He was greatly surprised to hear the question of protection now treated by the noble Earl (the Earl of Derby) as of little consequence. The noble Earl asks, is the imposing of a 4*s.* or 5*s.* duty on foreign corn a question of such paramount importance as that for it they should postpone the consideration of law reform, and other needful reforms? That was not the language he expected to hear used by the noble Earl, for it was upon that very question of a duty on foreign corn, he had taken the reins of Government, and upon that question he would be judged by all classes of the country. He (the Marquess of Clanricarde) could only say, that if the noble Earl thought he could reverse the financial and commercial policy of the country, he was greatly mistaken. The noble Lord who spoke last had made a computation that the farmers and landowners had lost 30,000,000*l.* per annum by the abolition or the corn laws. Now, if it could be proved that the difference between the price of corn now and formerly amounted to 30,000,000*l.* per annum, all he could say was, that 30,000,000*l.* had gone into the pockets of the people, and principally into the pockets of the lowest class of the people. He regretted extremely the course taken on that occasion by the noble Earl; he thought the intimation held out was clear enough; he thought the noble Earl gave that intimation in a manner not to be mistaken; but he still must say, that a frank straightforward avowal of policy on the part of the noble Earl was the course that would most redound to his own credit and the advantage of the country.

The EARL of HARROWBY said, that he did not wish to add one grain to the difficulties of his noble Friend (the Earl of Derby). He felt that it was not merely a question of a corn duty which was now involved. He felt averse to see a Government formed on a "wider basis" that would risk the balance of the constitution: but he could not help expressing his opinion that if the noble Earl attempted to impose a duty upon corn, either for purposes of revenue or protection—if he attempted to tax the food of the people, it would be fatal to his Administration and to the great conservative interests of the country. In former times it was contended that a free-trade policy would not only be fatal to the landlords and tenants, but that it would be attended with great inconvenience to many other classes. The result had, however, proved that the inconvenience was confined to these two classes; and, however important they might be, it was not possible to attempt for their sake to levy a tax upon the food of the people. Let the noble Earl, therefore, if he would, readjust the taxation of the country, and so relieve them from those unfair burdens under which they laboured to some extent; and he believed that when they were relieved from all apprehension of the imposition of a tax upon their food, the feelings and the sense of justice of the country would go along with him in that policy, and that they would consent to relieve the landed interest from some of those burdens under which they laboured. But let the noble Earl speak plainly on this question, and be assured that he would lose nothing by his plainness. Nobody could have looked to his language, or to that used by the right hon. Gentleman the leader of the other House (Mr. Disraeli), without seeing that for some time they had had a growing impression that the agriculturists ought not to look for relief to a protective duty; and that conviction must have been still more forcibly impressed upon them when they came to look at the question more closely under the responsibilities of office. He believed that it would be impossible for a candidate to have the slightest chance of success in some of our large commercial towns, however popular his opinions in other respects might be, if he professed himself to be in favour of the imposition of a tax of a farthing upon the food of the people. They had now enjoyed the cheapness of food, and he was sure that if the noble Earl appealed to the country upon this point, the Conservative interests of the country would be set upon a false issue; and when the noble Earl thought he was merely trying the question of this policy, he would be in fact trying the question of democracy or not. The noble Earl would, he was sure, find it to be both for his own credit and for the interest of the country if he would at once declare that a Protectionist duty was not in his mind the course which under present circumstances would be most beneficial to the country.

Lord BEAUMONT regretted extremely that the noble Earl had not thought proper to give him quite so direct an answer to his question as in his opinion he ought to have done. He agreed with the noble Earl who had just set down that it would have been better for the interest of Government to have been more explicit upon that occasion. He believed firmly that the noble Earl would have lost nothing in his reputation if he had candidly confessed that he had abandoned the policy which he had supported on the other side of the House. But, although the noble Earl had not given him a direct answer, he had given him some indirect information: he had in effect intimated that protection for corn had been abandoned as a measure of the present Government. Now, although this somewhat agreed with what he (Lord Beaumont) had stated to be his own wish on the subject, he did not know what would be the effect upon the unfortunate yeomanry of Essex, Lincolnshire, and Buckinghamshire when they found that after all their fine speeches, their public meetings, and subscriptions to the Great Central Protection Society, with George Frederick Young at its head, the result was that they had only been mystified by the noble Earl and his friends. But that was their look-out. He regretted that the noble Earl had not stated his intentions more clearly, because he feared that the result would be as his noble Friend (Earl Grey) had pointed out, that some of his supporters would go to the counties professing protection, and others to the towns professing free trade.

The Earl of Harrowby

If that was his object, he would say that it was unworthy of the noble Earl. It was unworthy of any Government to raise class against class without any object in view—with a reservation in their own minds that they would never bring before Parliament the very subject upon which they had originated the agitation. He knew nothing to compare with it except the conclusion of the speech of Mark Antony in the play of *Julius Cæsar*, where, after stirring up the people to agitation, he said,—

> "Mischief, thou art afoot;
> Take now what course thou wilt!"

Lord WODEHOUSE would not have addressed the House on that occasion if it was not that he had been disappointed in not hearing any other Member of the Government but the noble Earl express his sentiments on this momentous question. The House would not have forgotten the repeated speeches of the supporters of the noble Earl, in which they inveighed against the policy of the late Government, and charged it with all the evils which they alleged it had brought upon the labourers and occupiers of the land—imaginary, he believed, with regard to the labourer, though he admitted that some distress had existed amongst the occupiers. After all those speeches it was somewhat satisfactory to persons like himself, who had given his humble support to the late Administration, to find that those supporters of the noble Earl were now about to recant their opinions, and bow in future to the great authorities on political economy who had been quoted the other day by the Chancellor of the Exchequer, and whose views were formerly scouted as theories and abstract opinions. But, as a humble Member of their Lordships' House, he could not help expressing his regret that the noble Earl, who had usually been looked upon, above all men, open and candid, should have taken a course which, so far from being open and candid, he believed to be one, of all others, most likely to affect the best interests of the country, by reviving that which was most pernicious to those interests, namely, an agitation over the length and breadth of the land for the purpose of reversing the policy which had been the cause of so much prosperity for the last few years. The noble Earl had accused his opponents of a wish to excite a party contest. He believed that in the present critical circumstances of the country a party contest upon a subject so exciting as that of the food of the people was much to be deprecated; but, bad as that was, he believed it was far more dangerous to the well-working of the constitutional system of this country that public men, after organising an opposition very strong in the other House of Parliament, and extremely strong in their Lordships' House—after attacking the Government upon every question on which there was the slightest chance of embarrassing them—after having, on the question of the exclusive burdens on land, obtained within fourteen votes of a majority—from the day they came into office till the day they left it, should think it consistent with their duty to leave—as the noble Earl proposed to leave—the farmers throughout the country, who honestly desired and looked up to him to help him to return to protection, without attempting to fulfil their expectations. Living in a county where what was called protection views largely prevailed, he knew the feelings which prevailed among that class, and which had been displayed against himself on more than one occasion for advocating other opinions; and he knew nothing in which those humble but honest supporters of the noble Earl more believed than that he was prepared to relieve their distresses, real or imaginary, by some measure which would increase the value of their produce. Dangerous as it might be to provoke a party contest at this moment, and great as the responsibility that might rest upon those who should occasion it, yet, in his opinion, there rested a far greater responsibility upon those who set the dangerous precedent, that it was consistent with the duty of public men to abandon, when they obtained office, the measures the advocacy of which had brought them into power.

The EARL of POWIS said, if anything could have been needed to show the little value of the apprehensions expressed by the noble Earl opposite (Earl Grey), as to the inconvenience which the country would suffer from the delay of the dissolution, it was supplied by the tone and temper of the speeches delivered by noble Peers on the other side, who evidently desired the noble Earl (the Earl of Derby) to place himself in a position in which no wise man would willingly be put—of the first bidder at an auction. They desired that the noble Earl should commit himself by some definite pledge, and then they would employ all the time which might elapse before a dissolution in agitating and exciting the country against him. There had been no concealment on the part of the noble Earl. His opinions were perfectly well known, and there was not the least pretence for the supposition that he intended to take the country by surprise. The noble Earl said he was bound to take the opinion of the country on the subject, and had declared that he did not intend unduly to postpone taking that course. And he (the Earl of Powis) hoped that there would be in both Houses moderate men who would support his noble Friend in conducting such public business as properly could be transacted in the present Parliament. The noble Marquess (the Marquess of Clanricarde) had quoted precedents, and spoken of "playing fast and loose with great questions." But there was a precedent in 1835 of a Government, which came into office on a very important question (a religious question of the class which stirred the country perhaps more than any other)—they announced their policy on that question, but did not carry it out, and continued in office for Sessions more than one—for Parliaments more than one—under Sovereigns more than one—without all that while making any attempt to carry out that policy on the very question on which they had come into office. The noble Earl opposite (Earl Grey) had alluded to some supposed loss the late Government had sustained through their stedfast adherence, as he called it, to the policy of free trade. But the defections they might have sustained on the subject of the exclusive burdens of agriculture were not at all dictated by factious feelings, but the result of sincere conviction. The noble Earl had also alluded to the Motion which had been made against the foreign policy of the late Government; that was a vote in which he (Lord Powis) had not concurred, but he must say, without changing his own opinion, that to those who had joined in it an ample justification was afforded in the events of the last six months. On the whole, he did not think the Members of the late Government had any reason to complain that they had sustained any loss in consequence of their devotion to free trade, and had only to console themselves with the reflection that their leader, like Antæus, was often most vigorous after he had received a fall.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, March 15, 1852.

MINUTES.] NEW MEMBERS SWORN.—For Buckingham County, Rt. Hon. Benjamin Disraeli; for Chichester, Rt. Hon. Lord Henry George Charles Gordon Lennox; for Dublin University, Joseph Napier, Esq.; for Enniskillen, James Whiteside, Esq.; for Lincoln County (Parts of Lindsey), Rt. Hon. Robert Adam Christopher; for Lincoln County (Parts of Kesteven and Holland), Rt. Hon. Sir John Trollope, Bart.

NEW WRITS.—For Dungannon, *v.* Hon. William Stuart Knox, Groom in Waiting; Coleraine, *v.* John Boyd, Esq., Chiltern Hundreds.

PUBLIC BILLS.—2° Burghs (Scotland); Charitable Trusts; Copyright Amendment.

LONDON CORPORATION BILL.

Order for Second Reading read.

SIR JAMES DUKE moved the Second Reading of this Bill.

MR. HUME said, he could not but express his surprise that a measure of such importance to the public should have been introduced as a Private Bill. He did not mean to say one word in disparagement of the measure, for, if he were correctly informed, its operation would be to greatly enlarge the municipal franchise in the City of London, and to relieve the inhabitants of taxation, to which they were now annually subject to the amount of 6,000*l.* a year; but he objected to the principle of introducing a Bill of such a character as a private measure.

MR. W. WILLIAMS said, he took the same view. The Bill was, no doubt, a salutary measure, and not undeserving the support of the House; but it was to be wished that it had been introduced as a public, rather than as a private Bill.

SIR JAMES DUKE said, that the Bill had been introduced on petition, and by the Corporation itself; the Standing Orders of the House required that it should be treated as a Private Bill. The Corporation of London had come forward spontaneously to reform itself, and it ill became any one in that House who called himself a Reformer to impede or discourage such a proceeding. The Bill proposed to increase the number of municipal voters from 6,000 or 7,000 to something like 20,000, conceding to every man who had any thing resembling a rating in the City of London the right of voting for all ward officers, as well as for the chief magistrate, the sheriffs, and the chamberlain. It also proposed to curtail the period for polling at municipal elections from fourteen days to one day, and to abolish the obligation on a man proposing to enter into trade in the City of London to take out his freedom. Another important provision of the Bill was that whereby all fines and fees on public vehicles passing through the City were abolished. By this abolition, the Corporation would surrender a revenue of 6,000*l.* a year, to which they were at present legally entitled. He hoped the House would not hesitate to sanction the principle of such a measure. It would be easy to remedy all minor objections in Committee.

MR. ROEBUCK said, he approved of the Bill, judging of it by the statement of the hon. Baronet who had last spoke; but he concurred in the opinion that it ought to have been introduced as a public measure. If such a Bill were to be treated as "private," he should beg to ask the right hon. Gentleman in the chair, how a public Bill was to be distinguished from a private one?

MR. SPEAKER said, that it could not be questioned that the Bill was, according to the Standing Orders, a Private Bill, inasmuch as it was brought forward by a corporate body; but the House did not lose its authority over it on that account. The Bill would be referred to a Select Committee, and when that Committee had sent down their Report, it would be competent for any Member to propose that the Report be referred to the consideration of a Committee of the whole House.

SIR DE LACY EVANS thought it was of importance that a sound discrimination should be exercised in the selection of the Members to serve on the Committee which was to take such an important Bill into consideration.

Bill read 2°.

SUGAR DUTIES.

MR. J. WILSON, in pursuance of a notice, begged to ask the right hon. Secretary for the Colonies what course he intended to pursue in relation to his notice upon the subject of the Sugar Duties, now standing on the paper as a dropped notice? Great anxiety had been occasioned out of doors on this subject, and it would be very desirable to have a full explanation as to the course which the Government intended taking.

SIR JOHN PAKINGTON: Sir, I will in a very few words answer the question which has been put to me by the hon. Gentleman relating to the Motion now standing on the paper in my name as a dropped notice. Sir, I felt it to be my duty, as a

Member of the Opposition, to press upon Her Majesty's Ministers what I believed to be the disastrous effects of their own acts. I refer to the Act of 1846, modified by the subsequent Act of 1848, regulating the duties on Sugar. Sir, as a Member of Her Majesty's present Government, which is in an acknowledged minority in this House, I conceive it to be no less my duty to take whatever course I may think best for the promotion of the object we have in view; and we do not think that it would tend to the relief of West Indian distress if we were, during the present Session, to press forward views and plans against which there are recorded majorities on several occasions during the present Parliament. Sir, we further think that there is nothing in the question of the Sugar Duties sufficiently special or sufficiently exceptional to justify us in making it an exception to that intention on the part of Her Majesty's Government, which has been announced in another place by my noble Friend the Prime Minister, that intention being not unnecessarily to press upon Parliament during the present Session those controverted questions of policy which we think it best to reserve for the judgment of another Parliament. Sir, for these reasons it is not my intention to bring forward during the present Session the Motion to which the hon. Member for Westbury has alluded. But, Sir, I must beg leave to add one word more. The opinions which I have repeatedly expressed in this House upon the Acts of Parliament regulating the duties on Sugar, whether in relation to their effects upon the British Colonies, or in relation to their effects on the great question of slavery and the Slave Trade, have undergone no change whatever. On the contrary, I am now receiving, almost daily, the most painful proofs of the distress which has existed in the British Colonies; but, without being at all indifferent to that distress, we have determined that those questions, like others of the same nature, ought to be kept for the consideration of a future Parliament, reserving distinctly to ourselves the right hereafter to deal with this question, if we shall be in a position so to do—to deal with this question in such a manner as we shall consider to be required by the justice of the case, and by a due regard to the interests of all classes of Her Majesty's subjects.

MR. J. WILSON might then understand that it was the intention of the Government not to interfere in any way with the reduction of the duty on Sugar, which would come into operation on the 5th of July next?

SIR JOHN PAKINGTON said it was not.

THE CAPE OF GOOD HOPE.

MR. ADDERLEY begged to ask the right hon. Secretary for the Colonies whether any instructions would be sent by the mail going out to the Cape of Good Hope on Tuesday, the 16th, to General Cathcart, to suspend or alter the instructions given him by Earl Grey to lay down a scheme of future policy for this country to undertake as to the defence of the frontier of that colony? As the *Bosphorus* had arrived since he had given notice of this question, perhaps the right hon. Gentleman would state, in his reply, whether he had received petitions from the Cape to Her Majesty, praying that the Queen would refuse her Royal assent to the ordinances passed by the Legislative Council of that Colony by way of delaying the application of the constitution.

SIR JOHN PAKINGTON: I have not thought it my duty so immediately to send instructions to General Cathcart either to suspend or to alter the instructions sent by Earl Grey, to which my hon. Friend has adverted. But I can assure him that the present condition of the colony of the Cape of Good Hope, and the future government of the colony, will be the subject of the earliest and most anxious consideration on the part of the Government. In answer to the latter part of my hon. Friend's question, I have to state that a petition has arrived by the last mail from the municipality of Cape Town, complaining of delay on the part of the Legislative Council of the Cape in passing the constitutional ordinances, and of their devoting their time to passing ordinances of another and less pressing nature. And I have thought it my duty to send out despatches to the Legislative Council advising the necessity of considering the constitutional ordinances as soon as possible, and suggesting that they should reserve questions of legislation of a less urgent nature for the consideration of a future Parliament.

SIR DE LACY EVANS said, that the recent intelligence from the Cape led to a hope that the war was at an end. If so, would the Government give an opportunity to the House to discuss the future territorial boundary of the colony?

SIR JOHN PAKINGTON said, there

was a difficulty in answering what scarcely amounted to a question. When, however, the hon. and gallant Member spoke of the Kaffir war as being concluded, he thought it right to state that the despatches just received, although very gratifying, did not go to the extent described by the hon. and gallant Gentleman. The recent intelligence did not go further than this, that we had achieved a great and gratifying success, and there was reason to hope that at no distant day the war would be brought to an end.

Subject dropped.

FREE TRADE—THE MINISTERIAL POLICY.

On the Motion that Mr. Speaker do now leave the Chair to go into Committee of Supply,

Mr. C. P. VILLIERS said: Sir, before you leave the chair, I wish, in accordance with an intimation I have given to the right hon. Gentleman the Chancellor of the Exchequer, and for reasons which I will shortly state, to make some inquiry with the view of obtaining some information from Her Majesty's Ministers upon a subject on which I am sure I do not exaggerate when I say that it is of vital concern to every subject of Her Majesty. I refer, Sir, to the principle or the policy on which the Government propose to regulate the foreign commerce of this country, and more especially that branch of it which is engaged in the supply of food for the people. Sir, this is no abstract question or matter of idle speculation merely, but it is a subject so intimately connected with all the realities of English life, that it affects the whole social and domestic policy of this country. It affects the finance, the trade, the labour, the capital, and the general condition of the people. I hope, therefore, that this question will be treated by the right hon. Chancellor of the Exchequer with all the earnestness that it deserves. I think that the public want information on this subject. It would be incorrect to say that they have received none; but it would be more true to say that they would have been less perplexed if they had not received any. What has been said by the Government themselves, or by their friends for the Government, has created doubts where none might have existed otherwise. For some years past there has been a free-trade policy in force; during the last few weeks a Protectionist party has been in possession of the Government; but what that Protectionist Government is going to do for the cause of protection is one of those mysteries that may possibly be solved to-night, but which has not yet been disclosed. Now, Sir, if I appear to be forward in this matter, and if I should appear to be urgent on the Government to make some distinct and candid avowal on the subject, I hope my motives may not be mistaken. I assure the present Government that I am animated by no factious motives—by no party object. [*Ironical cheers.*] Sir, I think I have reason to expect that my motives will not be misinterpreted. I have been for eighteen years in this House, and during that time I have uniformly manifested great solicitude on this subject: as some of my friends well know, I never lost an opportunity, in former times, of promoting inquiry and discussion on this matter; and, as the House remembers well, I used annually to submit a Motion to it on the laws restricting the importation of foreign grain. I have done everything in my power, with singleness of purpose, I believe, to aid in promoting the success of the cause of free trade, having always believed that it was more closely connected with the well-being of the people than with any, if not every, other subject beside. It would surely, then, be remarkable if those who displayed their zeal in that cause before any experience of its advantages had been acquired, now, when its blessings are appreciated, but when danger and difficulty again hang round the question, should remain still. I was only silent when I believed the question to be safe, and when I hoped it was settled. But no man can doubt that this subject is again raised in the country, and that considerable apprehensions and anxiety exist as to the intentions of the Government with respect to it. I can assure the House that I have no single object to gain in embarrassing Her Majesty's Government; I have no purpose whatever to serve in placing them in any difficult situation with respect to this matter. I do not regret to see them personally in office. I believe they have as much right as any other Members of this House to those seats, if they can hold them with honour to themselves and with advantage to the country. Indeed, I would much rather see them there, than engaged in the agitation which has been going on during the last four or five years—an agitation that I must describe as one of the most reckless and inconsiderate that has ever occurred in this country. I am, moreover, quite alive to the claims which every new Ministry has to the forbearance of this House with regard to questions which they have not had time to consider, or upon which they are not in a condition to decide. But that is not the relation in which hon. Gentlemen opposite stand with regard to this question. They will not be offended if I say that they are not known in this House or in the country except in connection with this particular measure. They have been distinguished as a party by the course they have taken on the subject. They have steadily maintained the policy of protecting particular interests by law against competition. They have as firmly asserted the failure of free trade; while the circumstance, as far as I have observed, by which they have been mainly distinguished, is in the union, perseverance, and determination they have manifested in endeavouring to possess themselves of the government of this country with the view to the reversal of the free-trade policy. This has not been stated for the first time by me, but has been stated by some distinguished Members of this party themselves, and has been constantly repeated by those who have resisted their movements in this House. When the late Sir Robert Peel used to oppose the Motions of the present Chancellor of the Exchequer, which he was not bound to do as an independent Member, he did so because he said that the purpose of the hon. Gentleman was to carry his Motions that he might displace the Government, and occupy their place, in order to reverse the commercial legislation of the country. The right hon. Gentleman himself (the Chancellor of the Exchequer) said in one of his addresses that he might not be successful on that occasion, but that the time would not be far distant when the then Government would be displaced, and when the principles he advocated would be triumphant. I do not intend to impute any unworthy object to them in what they did, but merely mention it to show their zeal in seeking to reverse the policy of free trade. They have not sought office for the sake of distinction or position, but simply and solely with a view of re-establishing the policy of protection. They have sought every opportunity; they have been vigilant throughout every Session; they have combined with persons the most opposed to them; they have supported Motions the least connected with their principles; they have, in short, exhibited an earnestness in their cause which I have not observed in any other political party in this House. And now I think the right hon. Gentleman the Chancellor of the Exchequer cannot object to tell us how soon and in what way he proposes to fulfil his promise made two days ago on the hustings, namely, to establish, now he is in power, that policy with which he was identified in Opposition? I think, too, I may also ask the right hon. Gentleman the Chancellor of the Duchy of Lancaster the way in which he proposes to forward that desire which he says exists in the breast of the chief of the Government to reverse a policy which he has described so prejudicial to the capital of the country, and ruinous to native industry. The right hon. Gentleman the Member for Stamford (Mr. Herries), also, should not object if I ask him what course he intends to pursue with a view to reverse that objectionable change in the maritime code of the country, which, according to his opinion, has been attended with results far greater for evil than he had anticipated. Most certainly the noble Earl at the head of the Government ought not to shrink from making a bold avowal of his intentions. If any one man in this country is responsible for the position of public affairs at the present moment, it is the noble Earl at the head of the Government. That noble Earl seems to me to be the man who has formed the party now in power, guided their movements, instructed them in their course, and led them at last to the victory which he had always promised. The noble Earl, indeed, is peculiarly responsible, because he is one of those men sometimes observed in this country, so circumstanced, and enjoying such advantages and qualifications, that many persons might almost be justified in following him blindly in the course he prescribes to them. In starting the agitation which has led to the present result, the noble Earl was peculiarly situated. He had been a Member of the late Sir Robert Peel's Government, and had had the advantage of communicating with men of the greatest experience as Ministers and statesmen. He was aware of all the circumstances which led to the then change of opinion or policy, and was acquainted with those circumstances which led the late Sir Robert Peel to consider that, for the good as well as for the safety of the country, he was bound to renounce that monopoly which the landowners had procured by restricting the importation of foreign corn. But the Earl of Derby, as I understand, was the only Cabinet Minister that left Sir Robert Peel on that occasion; and, by leaving that statesman, and associating himself with all the persons who opposed him, the Earl of Derby did practically announce to the public that there was no occasion for the change of policy then made; that it was a concession to cowardice; that there was no reason why the Corn Laws should not continue; and that if men would only follow him, he would lead them to a position in which they might re-establish those laws. A man in the situation of the noble Earl cannot act but with great responsibility. The noble Earl is endowed with intellect of the highest order; he possesses rank, fortune, and experience, which give him peculiar weight and influence; and many who are his followers in this House and in the country almost justify themselves, as I say, in following him blindly. I state this for the purpose of showing that the Earl of Derby, above all men, should be ready to tell us the course he intends to take. In so far as we are allowed to know or to understand the relations existing between him and his party from the public journals, the noble Earl has appeared to be constantly guiding their movements, encouraging their hopes, and leading them to believe that the moment would arrive when he would be able to lead them to victory. He seemed to liken himself to a captain of a band—as an officer addressing his soldiers—telling them to be patient and to persevere, and the day would come when he would give them the signal when they might make their onslaught on their enemy. But, not to misrepresent him, I will read an extract from a speech made by the noble Earl last year, which will show that he was bent on encouraging his followers to persevere, by the hope that the day of triumph would come for them. In May, 1850, the noble Earl (then Lord Stanley) stated, at a public meeting—I do not know for what reason, but if I were to speculate I might suppose it arose from some suspicion, then, of his own fidelity :—

> "If in any part of the country, if there be but one district in which a suspicion is entertained that I am flinching from or hesitating in my advocacy of those principles on which I stood, in conjunction with my lamented friend Lord George Bentinck, I authorise you, one and all, to assure those whom you represent, that in me they will find no hesitation, no flinching, no change of opinion. I only look for the moment when it may be possible for us to use the memorable words of the Duke of Wellington, on the field of Waterloo, and to say, 'Up, Guards, and at them!'"

And it is reported that Lord Stanley concluded with the assurance, "that if they would keep up the pressure without, he would do it from within." This took place a year ago; and, looking to the disposition of parties in this House and in the country generally, it must be considered that those whom the present Prime Minister encouraged his followers to treat as the Duke of Wellington treated the foes of the country, were the manufacturing, commercial, and industrial interest of the nation. It is therefore not, I think, unreasonable in persons who represent those interests to ask the noble Earl to have the kindness to tell them when he is going to direct his soldiers to be "up and at them," and when we are to expect this onslaught upon all those interests of the country which we cherish as the most important? The noble Earl and the Government ought, then, to be in a condition to give a reply to the question I put to them, and in which the whole of the country is interested in having answered. Considering the professions they have formerly made, they are bound to relieve us from the suspense in which we have been since they have attained power. And now, Sir, I beg for a moment to call the attention of the House to the present condition of the country, which makes it, in my opinion, imperatively necessary that such a reply should be given. Looking at the state of the country as it was at the beginning of the present year, and during the greater part of the last, no person living could point to a period when more of peace, contentment, and confidence prevailed. There was great activity in trade, industry was employed, old causes of strife had ceased, angry politics there were none. The official returns of our navigation and trade disclosed an amount of business during the preceding year wholly unprecedented in the annals of our commerce. There was an expansion in our foreign trade, and an increase in our home trade of enormous amount; the exports of British manufacture, and the imports of articles of general consumption, were greater than the history of this country offers any previous instance of. The revenue of the country presented a surplus of nearly 3,000,000*l.*, notwithstanding that we have had to contend with a reduction of taxation approaching to 5,000,000*l.*, to which extent the public have been relieved. In spite of the assertions made by the right hon. Chancellor of the Duchy of Lancaster that the capital of this country has diminished, and native industry has been injured, no fact is more notorious, just now, than that the capital of this country was never more abundant, and the population of this island, though never so great before, was never better paid, better fed, or more employed. There was also, as is usual in such cases, what is incident to an improved physical condition: less of misery, of disorder, of vice, and of all the other evils that spring from poverty. This is proved by the evidence of persons whose duty brings them in contact with persons of the poorer class; and surgeons and others would state that individuals received into hospitals are now, from having had better nourishment, more easily cured, and are better able to sustain the operations to which they may be submitted. And not only is this the case in towns, but also in villages; for at no period, during the existence of the Protective system, was the agricultural labourer better off. And I go further, and I say this—that if any candid man, competent to survey the agricultural districts, and to institute a comparison with former periods, he would come to the conclusion that there had been no moment when agricultural improvement was proceeding with such energy and spirit as at present, or when more skill and economy were apparent in the husbandry of the country. It is really a relief to turn from speeches out of doors on the distress of the agriculturists, to the writings of one who understood what he wrote about, and did not speak on subjects of which he was wholly ignorant. I was astonished to read a speech the other day from so able a man as the present Chancellor of the Exchequer, wherein he told his audience of the local burdens which bore on them, the injustice inflicted on them, and the unparalleled distress of agriculturists in general. Now, let me turn to that able Report which the hon. Member for Berkshire (Mr Pusey) presented to the Royal Commissioners of the Great Exhibition, in which he describes the great improvements made of late years in agriculture, and let me read one extract from it:—

> "The main difficulty of farming has always been in its uncertainty; but it may now be said that machinery has given to farming what is most wanted, not absolute, but comparative certainty. It seems proved, that within ten years old improvements have been improved, and new ones devised, the performances of which stand the necessary inquiry as to the amount of saving the produce, seeing that the owner of a stock farm is enabled in the preparation of his land, by using lighter ploughs to cast off one horse in three, and, by adopting other simple tools, to dispense altogether with a great part of his ploughing; that in the culture of crops by the various drills horse-labour can be partly reduced, the seed otherwise wanted partly saved, or the use of manures greatly economised; while the horse now replaces the hoe at half the expense. The American reaper effects thirty men's work, while the Scotch cart replaces the old English waggon with exactly half the number of horses; that in preparing corn for man's food the steam thrashing-machine saves two-thirds of our former expense, and in preparing food for stock the turnip cutter, at an outlay of 1*s.* a-head, adds 8*s.* a-head in one winter to the value of sheep; lastly, that in the indispensable but costly operation of drains, the materials have been reduced from 80*s.* to 15*s.*—to one-fifth nearly of their former cost. It seems to be proved that the efforts of agricultural mechanics have been so far successful as in all these main branches of farming labour, taken altogether, to effect a saving on outgoing of little less than one-half. It is evident that a farmer, setting up a business, who, instead of the old waggons with three horses each, should bring one-horse carts, and the smaller number of horses required by such carts, and other improved machinery, would find that, without any increase of outlay whatever, beyond the old scale, he would require all requisite modern machinery, with the exception of the steam-engine. There has been more done in agricultural mechanics during the last few years than had been attempted anywhere in all former times."

It is important to refer to that document, which should be read entire, to show that the agricultural interest presents no exception to the general improvement of all the interests of this country; and, notwithstanding all that is alleged with respect to the agricultural interest having undergone sacrifices for the sake of the advantages which it is now hardly denied are enjoyed by other classes, one fact is undeniable, that there never was a time when people were more ready to invest savings and their fortunes in land, or to take farms whenever any occupation became vacant. I am glad to see that in the speech of the right hon. Chancellor of the Exchequer he gave up altogether the existence of some of those evils which many years ago had been predicted as likely to flow from the adopting of the policy of 1846. It was an old argument that our merchants and manufacturers would never find a vent for our manufactures in the markets of the world if we allowed the free importation of corn, and that our bullion must be exported to pay for it. The right hon. Gentleman gave up that altogether, and for a very curious reason. He said that the prophecy was quite just, that its frustration was only accidental, but that its failure was owing to the discovery of Californian gold. The right hon. Gentleman, however, forgot that one of the arguments of his friends is that everything now had become too cheap; but if there had been anything like a redundancy of gold, that the result would have been that prices generally would have risen. I am sure, therefore, that the right hon. Gentleman felt that his argument was suited for Aylesbury, and not for the House of Commons. Again, I think when we refer to those official returns—as one may venture to do now, because hon. Gentlemen opposite have now the opportunity of ascertaining whether they have been, as they constantly asserted, falsified and doctored at the Board of Trade—it will be seen that none of those serious evils anticipated by hon. Gentlemen opposite have befallen the country through the change of the maritime code. The official returns are in our hands, and from perusing them I come to a different conclusion from that arrived at by the right hon. Member for Stamford (Mr. Herries). The conclusion I arrive at is, that a greater amount of tonnage has entered into and has cleared out from our ports, than at any former period, and that a greater number of British ships being built were registered in 1851 than in any previous year. Connected with this we have the cost of what we desire to consume in this country reduced by lower freights. We find, moreover, that notwithstanding the prediction that we should be unable to compete with other countries, that in the trade carried on between neutral countries, British shipping so employed has increased. We have had some communication tonight with respect to the colonial policy intended to be pursued by this country; and it seems that the right hon. Gentleman (Sir J. Pakington) is of opinion still that the cause of suffering in some of our colonial islands is the reduction of the protective duty; and he adheres to his opinion, but gives up his measure for continuing the duty. The right hon. Gentleman was on the Coffee and Sugar Plantation Committee in 1848; and I am convinced that the evidence there produced must have led him to the same conclusion as the noble Lord, who was chairman of that Committee, and whose loss I deplore, came to, and who said to me that in fact all the evidence went to show that it was not so much protection, but the restoration of slavery, or more power over the free labourers, that would benefit the parties complaining, according to their view. This, however, I think the right hon. Gentleman will admit, that notwithstanding the free-trade policy, there has been less complaint heard during the last twelve or eighteen months, than at any time since the abolition of slavery. I do not say that the West Indies are prosperous, or that they have recovered from the consequences of the great changes to which they have been submitted; but the fact is, that during the last year we have heard fewer complaints, and proprietors have received remittances last year, though before they had been obliged to send out money. In many respects the general aspect of our West Indian colonies has improved; while our dependencies, whether in America or Australia, commercially speaking, never promised better. Looking, then, both at home and abroad, the empire, under the free-trade policy, is not declining, but prospering. I do not know that I may not say that this policy has produced a better feeling towards us in foreign countries; where, whatever may be the political feeling towards us on the part of Governments, the people who used to think us selfish in all we did, are now satisfied that our commercial policy is a generous one towards them, and the prospects, therefore, of more amicable relations between us are thereby greatly improved. If this, then, is a fair picture of the condition of this country in its various aspects and relations both at home and abroad, and if but a few weeks since we were thoroughly appreciating our advantages and improvement; I ask, what is the state of feeling in this country now? and whether, from one end of the country to the other is there not now a feeling of distrust, anxiety, apprehension, and uncertainty? I ask, why? But because people expect some change—some reversal of that commercial policy, with which they connect so much of their present peacefulness and prosperity. No change is demanded by the people, but they expect that some may be attempted. They believe that the men now in power are all pledged to reverse that policy, and they anticipate with considerable anxiety the struggle about to be made at the general election, when all the influence of the Government now in power will doubtless be used to accomplish their object. There are men, indeed, now connected with the landed interest itself, who view with alarm and apprehension the consequences of such success to the agricultural as well as to the commercial classes. I venture to say that the tenant-farmer will not now ask the Government to reverse the free-trade policy. He would rather be let alone than have this *5s.* fixed duty that has been promised at the hustings. He well may think it is a scheme devised by the landlords for the purpose of raising the rent of land again. The tenant-farmers, generally, agreed with an intelligent proprietor, a Member of this House, who stated last year that the farmers would get only *2s.* on a quarter of wheat by a duty of *5s.*, while it would enable the landlord to come down upon him and say—"I have got you back protection, you must now return me the 10 per cent I abated of your rent." That feeling was universal in the agricultural districts. Those who were conscientiously opposed to a free-trade policy were, of course, justified in endeavouring to procure its reversal; but the attempt would disturb the business of the country and unsettle men's minds. Where peace and confidence existed before, apprehension and uncertainty now prevailed. No one knows on what principle to proceed. Contracts are not completed, orders are not sent home; agents abroad and at home are in doubt how to act for their principals. I see, from what appears in the newspapers this morning, that foreign merchants are accepting the change of Ministry as a change of policy. Is this state of things to continue? The country seems to have been labouring under a sort of paralysis during the last three weeks. The return to protection is looked upon by many as the coming of some pestilence that is to blight or to blast all that has been blessed by the bounty of Heaven. Men are startled by some of the doctrines propounded by Members of the present Government, and especially by the noble Earl at its head, who declared that he could not, for the life of him, see the difference between a tax upon food and a tax on any other article. If the noble Earl could not perceive the distinction, it was only because his position in the world is so immeasurably distant from any apprehension of want, that he could not appreciate the anxieties of poorer men on this account; he cannot, therefore, see the difference too obvious and too notorious to his humbler fellow creatures. I should have thought, indeed, that wisdom no less than humanity might have suggested the distinction to the noble Lord. I should have thought that a First Lord of the Treasury would have known that unless food was provided in abundance, the revenue must diminish, because our taxation falls chiefly on expenditure; and on the price of food must depend the sum left to expend in other ways; and if he cared for the comforts of his fellow men, he ought to know that bread was the first necessary of life, and the more that was spent on that, the less would be spent on all that conduces to the comfort and elevation of man. Men who had only wherewithal to satisfy their bare wants were little better than mere animals; but whether they are better citizens for being reduced to such a condition, the noble Lord perhaps can judge. The noble Lord at the head of the Government once publicly gave a definition of the effects of a tax on foreign corn. In answer to a question publicly put to him, the Earl of Derby said that a corn tax raised the price of land, raised the cost of living, but did not increase the remuneration of the labourer. If the noble Earl would now consider that statement, it might assist him in understanding the difference between taxes on food and other taxes. The right hon. Gentleman the Chancellor of the Exchequer, too, was not happy in an illustration bearing on this point which he made in another place. The right hon. Gentleman talked of a poor man going into a coffee-house and having a chop and some bread, for which he might be charged half-a-crown, and observed that it was of little importance to him whether meat were a little cheaper, or bread a little dearer. The right hon. Gentleman is not familiar with the habits of the poor when he talks of their going into chophouses, and spending half-a-crown on their dinner. It depends very much on the price of bread whether they can have meat at all. It is only lately that any one heard of the labouring classes consuming meat. If they consume it now, it is because the cheapness of bread gives them an opportunity of buying it. But we are told that all these matters are to be decided in a constitutional manner. The people are not to be taken by surprise; but the opinion of the country will be consulted, and the most intelligent portion of the community must decide the question at issue.

In the same speech, however, in which the noble Earl at the head of the Government referred the question to the decision of the country, he stated a fact which is in no way consoling to the poor man, namely, that bribery and corruption have increased enormously during the last twenty years. He might be told, with more truth perhaps, that influence and intimidation were never more unscrupulously used, and therefore it will afford but little consolation to the poor man who wishes to have his bread cheap, to know that the rich, some of whom are interested in its being dear, are going to call a new Parliament to settle the question. The right hon. Chancellor of the Exchequer told us on a former occasion that the history of this country was the story of reaction—that no sooner did the people obtain some great right or liberty, than they became indifferent to it, and were ready to surrender it. I differ from the right hon. Gentleman on that point; but I believe that the people are often too confiding, and believed that when a great question was once settled it would not be disturbed. They are often imposed upon, and those who had yielded the people a right which they never should have withheld, are ever on the alert watching for a moment to abuse their confidence and retrieve what they have lost. The right hon. Gentleman will probably refer to the present state of Europe in support of his theory of reaction. The people of the Continent made a gallant effort, but a short time since, to obtain their political rights; but now the people are again trampled under foot, and are in a more prostrate condition, comparatively, than they have ever been known to be in the history of the Continent: but they have been so reduced not by fair means; they have lost all they won by trickery, treachery, and all sorts of foul and false pretences. The state of Europe should be a warning to the people of England. The people of the Continent are now watching to see whether the people of this country—the last asylum of freedom—would allow their liberties, in like manner, to be filched from them. From what I know of the spirit of the people of England, I believe they will not submit to be deprived of the glorious boon bequeathed by a statesman whom the nation now deplores; claimed for them long before by their friends; and sustained and extended by the Government which has recently left office. If the people should prove to be so little alive to the advantages conferred on them—if they should prize so lightly the policy which has rendered them prosperous and happy, we cannot help it; but at least we can give them warning of what they have to expect—we can make them aware of the danger which is approaching them in the most insidious way—we can tell them that the precious gift which they have enjoyed for the last few years is about to be taken from them, and that it becomes them to be at this moment most strictly on their guard against those whom they have so much reason to suspect. On these grounds, then, I now distinctly ask the right hon. Gentleman to come forward, in the face of the country and of this House, and make a candid, manly, and open avowal of the intentions of the Government on the subject of their policy with respect to our foreign commerce. I ask the right hon. Gentleman to tell us whether he intends, under any pretence whatever, or for any reason, to reimpose a duty on foreign corn; and whether, in case of a dissolution of Parliament, he intends to propose any scheme of legislation which will raise the question of commercial policy generally, and as affecting the food of the people in particular, so that the judgment of the electors may be taken on the subject; and so little, Sir, am I actuated by party motives by making this appeal to him, that I declare solemnly the answer most satisfactory to me, as I believe it would be the most gratifying to the country, would be a declaration from the right hon. Gentleman that the Government have not the least desire to disturb the policy which now exists, and under which the country is prospering. The country wants no change of policy, it wants no dissolution, no disturbance or struggle of any kind. They desire only to be allowed to remain in their present peaceful, prosperous condition, and for this nothing is necessary but a declaration, on the part of the Government, that they have not any intention to disturb the policy of free trade.

The CHANCELLOR OF THE EXCHEQUER: Sir, the hon. and learned Gentleman who has just addressed you, has noticed the extraordinary contrast in this country between its condition and the feelings of the people in the month of January last, and in the present month of March. The hon. and learned Gentleman has described the condition of England at this moment. It is one, says the hon. and learned Gentleman, of distrust, of apprehension, of anxiety, and of uncertainty. Warming with his statement, the hon. and learned

Gentleman found that the feeling of distrust amounts even to a state of paralysis. I must confess that I listened to his announcement with some apprehension, but with more surprise. No information has yet reached me of such a lamentable condition of the people of this country, or of such being the state of public opinion. I do not understand that in the commercial transactions of this country, those feelings which the hon. and learned Gentleman has dilated on as the consequences of the recent change in the Administration, by any means generally prevail. I am necessarily thrown into communication with men of great eminence in the commercial world; I see daily—I may say hourly—persons of the highest authority on the subjects of trade and finance, fresh from scenes of the most active commercial life; and, certainly, neither from their language nor from their countenances have I for a moment inferred that they were in a state of paralysis. Instead of distrust or apprehension, or anxiety, or uncertainty, influencing those whose interests they came to represent, I should have inferred from their statements that the condition of those persons was eminently contented and prosperous. I do not find in the present price of the public securities any evidence of that extraordinary state of distrust and anxiety to which the hon. and learned Gentleman has referred—that barometer of public opinion certainly gives no indication of that distrust and anxiety. All that reaches me would convey to me an idea—perhaps a fallacious one—would convey to me an idea that the public mind at this moment is peculiarly tranquil: if I do not say perfectly content, it is because I really have no wish to hurt the feelings of hon. and right hon. Gentlemen opposite. But the strangest thing, and that which has most surprised me, in the speech of the hon. and learned Gentleman, is the discovery of the cause which, according to his statement, has occasioned the consequences in which he has, I think, too credulously believed. It seems that we are on the eve of having a tax proposed on corn—that that tax is a fixed duty, the very amount of which is known to the hon. and learned Gentleman, and the very effect of which he has already ascertained. This tax—this fixed duty of 5*s.* a quarter on corn, is to raise the price of wheat only 2*s.* a quarter. He defies it to raise the price higher; and he tells us that on that account none of the farmers will have it. Well, then, two consequences must result from that statement, and that opinion of the hon. and learned Gentleman. In the first place, it is quite impossible that a duty which will enhance the price of wheat to the extent of only 2*s.* a quarter can produce the evil consequences which he anticipates: and, secondly, if it be true that no tenant-farmers in the country wish for this relief, then it is perfectly clear that if we do not force it on them, they cannot say that we have deceived them. Such are the inevitable consequences—such are the irresistible conclusions of this highly-matured inquiry of the hon. and learned Gentleman. The hon. and learned Gentleman says the present Government are bound frankly and fully to express what their intentions are with regard to taxing what he calls the food of the people. Now, I shall not here stop to discuss the ingenious perversion of what I may perhaps be permitted to term a provincial jest which the hon. and learned Gentleman made in remarking upon some observations lately made by me in the country. I only advert to the subject because I do not think the description which he gave of that remark was an ingenuous one, and because I think it might lead to a misconception such as could not be agreeable to any one's feelings. I never talked of the poor man ordering a mutton-chop at half-a-crown; and all the comments of the hon. and learned Gentleman on that subject are entirely out of place; and I must further say that I am rather surprised that the hon. and learned Gentleman, when we were expecting to hear from him a high discourse on the principles of political economy, should have condescended to such a petty misrepresentation. Dismissing that matter, I feel it my duty to respond to the challenge of the hon. and learned Gentleman. The hon and learned Gentleman says that we are bound, now that we are in power, to carry into effect those opinions which we professed in opposition, and quoted some words which concluded a speech I made when I brought forward a Motion in this House, and when I predicted, as he says, that the Government of that period would fall if they resisted the claim of justice I was then enforcing—that they would be ultimately beaten, and that justice would be conceded. Well, I do not think that was a very fortunate quotation of the hon. and learned Gentleman. Considering that the Motion was not one for a fixed duty on corn—considering that it was a Motion not for taxing the food of the people—considering that it was a Motion which was recommended to the House because it was one of conciliation and of compromise, and one which would probably terminate a painful controversy between great productive interests—considering all these points, I do not think that the hon. and learned Gentleman was particularly adroit in the quotation with which he favoured us. If I regarded only my conduct on the occasion referred to, my task would indeed be easy; I might take the expressions which the hon. and learned Gentleman quoted, and say that I am prepared to the best of my ability to fulfil the spirit of the policy which I recommended on the evening when I made that speech. But if the House will permit me, I will not narrow my observations to that issue. I wish to express fairly, frankly, and without reserve, the opinions which I entertain upon the question which the hon. and learned Gentleman has brought under our notice. I think, in the first place, that the House should consider the position of the Government, and the circumstances under which the Gentlemen who are at present sitting on these benches have acceded to office. I think that is an element for our consideration which ought not to be omitted. Since the repeal of the Corn Laws, a controversy has raged in this country as to the policy or the impolicy of that important measure; and various efforts were made, at various times, to mitigate the consequences of that repeal, or to induce Parliament to express its condemnation of the effects which it was producing. During that prolonged controversy, no doubt, the tone and tactics of those who opposed the measure and deplored its consequences would naturally vary. At last the question had arrived at this point. The present Parliament, which had been elected in 1847—elected after the repeal, but at a period when the consequences of that repeal had not been felt by the class who were necessarily its victims—the years of that Parliament having rolled on, the natural term of its duration loomed in the distance, and the noble Earl at the head of the present Government, who has been so freely referred to to-night, had himself announced that after various efforts he had made in order to mitigate the consequences of that policy—he looked to a new Parliament, to an appeal to the community at large, to decide the contest, which, as a Parliamentary controversy, had, he thought, been sufficiently prolonged. If I may refer—and perhaps from the nature of the inquiry made by the hon. and learned Gentleman, I may do so without exposing myself to a charge of arrogance—if I may refer to what I said or did in this House with regard to this subject, it must be remembered by every Member of this House that more than two years ago—I think about three years ago—I said that so far as the question of protection was concerned, I should, after the expressions of opinion by the House—after it had, by very large majorities, negatived Motions made on our side—I should no longer attempt to raise the question. From that time I introduced proposals such as those which the hon. and learned Gentleman has referred to, which were totally independent of that abstract principle of protection on which the hon. and learned Gentleman has related, and which showed it was my opinion also that the question of protection, as an abstract question, could no longer be considered in this House, and that it must be settled when an appeal to the country would allow one of those conclusive declarations of opinion which, in England generally, terminate long controversies. But the question being in that state, there occurs, suddenly and unexpectedly, a change of Government. If that change had been effected by our calling for the opinion of Parliament on the condition of the agricultural interest, for example—if the late Administration had been defeated on a Motion asserting the expediency of immediately recurring to the principles of a protective policy—if a Motion of that kind had been sanctioned by the House of Commons, and a change of Government had consequently occurred—I admit that there would then be some ground for saying that the necessary steps should at once be taken by us, if it were in our power to take them, for an appeal to the sense of the country. I admit that we might then be called upon immediately to announce the policy which we were prepared to propose. But I ask the House, was that the case? Why are we sitting on this side of the table to adopt a different policy from that we had asserted and recommended on the other side? I think it is certainly not only open to us, but I think it is now our duty, to adhere here to that principle which after due experience and reflection we had while in opposition adopted for the rule of our conduct—that we should not call on this present Parliament in any way to alter the commercial policy of the country. I put it with confidence to all candid men, whether there is not a clear distinction between a party obtaining power by the profession of what we, in common parlance, call a protective policy, suddenly finding themselves in office, and a party which as an opposition had deprecated the discussion of that policy, however they may have felt that the time might come when the House of Commons might be induced to adopt a policy contrary to that which in times past it had produced? I am asking the House now to go no further than to acknowledge that which every candid man would say is a fair position. That being the case, I think it is preposterous to suppose that the instant a change of Government takes place, we should be called upon in the House of Commons to announce the measures which we think ought to be introduced into the next Parliament. But I will not take advantage of what may be considered a very limited and partial view of our condition, for the purpose of avoiding the fullest discussion of what may be our future policy. I will answer the hon. and learned Gentleman without any reserve whatever. The hon. and learned Gentleman says that our not announcing at this moment in detail the measures which we think necessary, occasions great distrust and great anxiety in this country. But, surely, it does not create greater uncertainty than the policy of the Opposition before the late change of Government must have created. There was a powerful party in opposition which told you that until the question was put fully and fairly to the country, they would never be satisfied; there was a powerful party in both Houses of Parliament which told you that until there was a verdict given at a general election they would not be content; and, therefore, the question was then unsettled. There was the same uncertainty which now prevails—if that uncertainty be an evil—which I doubt, because we may depend upon it, that in a country like this, no settlement of a question can be satisfactory until the vast majority of the people are convinced that it is a just and conciliatory one. Why, the change that has taken place rather tends, in fact, to decrease the uncertainty, because it must hasten that verdict for which we have all so long looked. If we had remained in opposition it might have been postponed for a much longer period than it will be in all probability after the change of Government; so that that argument of the hon. and learned Gentleman entirely falls to the ground. The hon. and learned Gentleman wants us to tell him whether in another Parliament we shall be prepared to propose a fixed duty according to his own figures—a fixed duty of 5*s.* on corn. That is the question. [*Cries of* "Hear, hear!" *and* "No, no!"] If that is not the question, then I wish to know what the question really is?

MR. VILLIERS said, that what he wished to know was, whether the Government intended to introduce any scheme of commercial or fiscal legislation before the dissolution of Parliament, in order that the principle of protection and the imposition of a duty on corn might be submitted to the deliberate judgment of the electors?

The CHANCELLOR OF THE EXCHEQUER: I am extremely obliged to the hon. and learned Gentleman for a Parliamentary paraphrase of what I had more simply and rudely stated. I must now tell the hon. and learned Gentleman that it is not the intention of Her Majesty's Government to do anything of that kind. I believe—and I am sure that it is also the belief of my Colleagues—that a very great injustice was done to the agricultural and other interests by the changes which took place in 1846, and subsequently in 1847, 1848, and 1849; and we are extremely desirous for the benefit of all classes of the community that that injustice should be redressed. We think that it would be our duty to consider the condition of the agricultural interest. I take that interest because it is the one which has been the most prominent in the statement of the hon. and learned Gentleman, and not merely because I wish to confine my observations to it alone. We think it would be our duty to consider the condition of that interest, and to propose those measures which in our opinion are the best calculated to redress the grievances under which it suffers. But we are not pledged to any specific measure. I think it would be the height of arrogance to say, that in a new Parliament we are bound as a specific means of redress to propose the measure indicated by the hon. and learned Gentleman—namely, a 5*s.* fixed duty on wheat. I am not at all clear—sharing as I do the opinion of the hon. and learned Gentleman, as to the little effect which such a measure would have in raising prices—I am not at all clear that that is by any means the measure which we might feel it our duty to recommend.

But I say frankly to the hon. and learned Gentleman, that, in considering the fiscal arrangements of this country, I do not, and I will not, for the purpose of gaining any popularity or of evading any blustering—I will not give it as my opinion that a duty such as he has described is one which no Minister under any circumstances ought to propose. I think, however, that the hon. and learned Gentleman and his friends have so far succeeded in their agitation—not their present agitation, for that I believe is very harmless, but their past agitation—that they have succeeded in investing a very simple fiscal proposition with such an amount of prejudice, that, although I might consider such a proposition a just one, I might not think it expedient or politic to propose it. I know there is a very great desire among hon. Gentlemen on the benches opposite that there should be a proposal for a fixed duty on corn. But I regret, for their sakes, that I cannot promise to make any proposal of the kind. What I intend to do, with the assistanee and consent of my Colleagues, is to redress the grievances of the agricultural interest; while we reserve to ourselves the right of considering what may be the best means by which that great object can be attained. I think that the consequence of the prejudice with which this proposal of a fixed duty upon corn, such as the hon. and learned Gentleman has referred to, has been invested— I think that the consequence of that prejudice is, that it would be very unwise for any Minister to make such a proposal before the verdict of the country has been pronounced against it. That verdict will, in all probability, be speedily given; and that question will then be decided. But the question of a just redress for the grievances of any interest in this country will not be settled by a verdict of that nature. That is a proper subject for the Government to consider; and it is their duty to propose those measures which they conscientiously believe will best attain the object which they frankly announce it is their intention to accomplish. I hope I have answered the inquiry of the hon. and learned Gentleman. I understood the hon. and learned Gentleman when he was so kind as to correct me—I understood him to say that his main inquiry of the Government was, whether it was their intention to propose any fiscal arrangement affecting our commercial system before a dissolution of Parliament, so that the opinion of the country might be taken upon that subject; and I thought I had answered that question fairly, by stating that that was not their intention. I am, therefore, totally at a loss to understand that derisive cheer by which I was met. I went even further—I assumed that the hon. and learned Gentleman wished to know what were the feelings of Her Majesty's Ministers on the subject of a moderate fixed duty on wheat either in this or in the next Session of Parliament. I was not bound, I believe, by the tenor of the hon. and learned Gentleman's inquiry to have expressed myself with the frankness I did; but I also attempted to make known to him our opinions on that question, and I told him that neither in this nor in the next Parliament did Her Majesty's Ministers consider themselves bound to make any such proposition as that to which he has referred. And now, I ask whether I have not fairly answered the hon. and learned Gentleman? Under these circumstances I am totally at a loss to understand the derisive cheer of hon. Gentlemen opposite, which I can only explain by supposing that my answer to the inquiry was more satisfactory than agreeable. I have also told the hon. and learned Gentleman that we do feel ourselves bound to afford a just redress for the grievances under which a great productive interest—the agricultural interest—suffers, and that we would consider, if we had an opportunity in a new Parliament, the means which we might think best calculated to accomplish the end we desired. I have now recapitulated my answers to the inquiry of the hon. and learned Gentleman, in order that there may be no mistake whatever as to their purport or meaning. I am aware that the Government are placed in some difficulties; but allow me to say, that as those difficulties were not of our seeking, so we shall not shrink from them when they have arrived. I am told, although I know not on what authority, that there has been, on the part of the new Government, an *ad misericordiam* appeal to the House of Commons. But I am not aware of it; I have not shared in it; I have not sanctioned it; I have not asked, nor am I aware that any of my Colleagues have asked for fair play. Let the play be fair or foul, we shall do our best to encounter it. What I ask for is not fair play for the Government, but fair play for the country. It is our intention to carry on the affairs of the country to the best of our ability, notwithstanding the difficulties by which we acknowledge that we are surrounded. There are, as every hon. Gentleman must know, measures of an exigency which cannot be neglected. In our opinion there are also some measures not of so formal a character, but of a not less important nature, which we think ought to be passed. But if hon. Gentlemen opposite suppose that so far as we are personally concerned, we have any wish unnecessarily to prolong the present state of affairs, I can assure them that they indulge in a great delusion. I will mention, if the House will permit me, some measures which I think ought to be introduced without delay. I do not allude merely to those votes for the public service which every Member will, I am sure, join in granting to us, neither do I allude merely to the Mutiny Bill, which nobody, I believe, yet—although I have heard some strange rumours upon the subject—is prepared to oppose. But there are three other measures, with regard to which, on the part of the Government, the greatest efforts will be made to secure their speedy passing. Those three measures I shall feel it my duty, on the part of Her Majesty's Government, earnestly to press on the attention of the House. One of them is the disfranchisement of St. Albans, which has already been taken up by my right hon. Friend the Secretary of State (Mr. Walpole). In connexion with that measure, I beg to say that I shall take the earliest opportunity of expressing, on the part of the Government, what are their intentions with respect to the distribution of the four forfeited seats which we shall have to deal with if that Bill should receive the sanction of the House. That is a subject, in my opinion, of the greatest importance; it is, I think, highly expedient that before Parliament is dissolved, the number of seats should be completed; and I trust that the proposal which the Government will have to make upon that subject will receive the general support of the House. The next question, which I think is also one of the utmost importance, is the question of Chancery reform. I do think it is possible, from the manner in which that question is now placed before us, that it will be brought to a satisfactory issue with much greater speed than has usually attended questions of the kind. There is on the table of the House a Report of a Commission with which hon. Gentlemen are familiar. I may state that the Lord Chancellor has not found—although, of course, I am quite ready to give credit to our predecessors for intending to act on that Report in the same unreserved manner in which we intend to act on it ourselves—but I am still bound to say, in order that there may be no unfounded imputation of delay brought against us on the subject, that the present Lord Chancellor has found no Bill upon that subject prepared by the late Government, and we have, therefore, found nothing to expedite us in that matter; but notwithstanding that, the Lord Chancellor has drawn up the heads of a Bill, and instructions have been given for drawing the Bill itself. It will be introduced into the other House of Parliament—an arrangement which will facilitate public business, because we can be proceeding with other measures in this House at the same time. I hope, therefore, that that great measure of Chancery reform will be successfully prosecuted in the present Session. I believe it is unnecessary for me to assure the House that the measure will proceed unreservedly on the recommendations of the Commissioners. There is a third measure which we shall feel it our duty to bring under the consideration of the House on the earliest possible day which the state of public business will allow us to do; and that is, a measure for the internal defence of the country. These are three measures which we think, whatever may be their fate in this Parliament, ought to be submitted speedily and immediately for its consideration; and I trust we shall be permitted to carry them into effect. I should now sit down if I did not feel that I had a duty to perform to Her Majesty's Ministers. The Opposition has very frankly inquired what are the principles on which the present Administration is formed? But there is a subject scarcely second in interest to that in this country, and that is, the principles on which Her Majesty's Opposition is formed. I hope, therefore, I may be permitted to take this opportunity of making that inquiry. I have been somewhat surprised on reading what I am informed is an authoritative statement, to the effect that the noble Lord the Member for London (Lord John Russell), within a fortnight of resigning the government of the country, from an avowed inability to carry it on—within a fortnight of having communicated to the House of Commons the solemn and mature decision of his own Cabinet that a dissolution of Parliament was not expedient—within a fortnight of having recommended that our gracious Sovereign should send for that nobleman who is now at the head of affairs—the noble Lord has felt it his imperative duty to reconstruct a new Opposition, the object of which, so far as I can collect it from this authoritative statement, is to force Lord Derby to do that which the noble Lord himself announced it as the opinion of his Cabinet that it was not expedient to do. No doubt the noble Lord arrived at this conclusion with a due regard to all the important circumstances which on such a question must have entered into the consideration of an individual responsible for the government of this country; no doubt the noble Lord thought that in the present state of affairs in Europe and in England a dissolution of Parliament at this moment would be highly inexpedient. It was with this conviction, it was with this determination, the noble Lord resigned the reins of power, and recommended a successor, who, surely, the noble Lord must have felt, must have been equally conscious of the responsibility of advising his Sovereign to the adoption of such a step. But if I am to trust the authoritative statement, the noble Lord is now anxious to precipitate a measure which within the last fortnight he himself so strongly deprecated. I have a right, therefore—and especially after the manner in which I have myself been challenged—I have a right, on the part of hon. Gentlemen sitting on this side of the House, to ask what are the principles on which this new Opposition is to be formed?—an Opposition which the noble Lord has constructed, mark you, under the inspiration and with the aid and assistance of the right hon. Baronet the Member for Ripon (Sir James Graham), and the hon. Gentleman the Member for the West Riding (Mr. Cobden). If such unbounded confidence exists between these three eminent men, how much is it to be deplored that this confidence was not manifested before the noble Lord retired from office—before the noble Lord felt it imperative on him to relinquish the guidance of the councils of Her Majesty. I wish to know on what principle this new Opposition is founded—this new Opposition, headed by the noble Lord—I acknowledge, and we all acknowledge, an able and a fitting leader—with two such puissant lieutenants and counsellors as the right hon. Member for Ripon, and the hon. Member for the West Riding. Is the principle on which the new Opposition is founded, the principle of Papal supremacy or of Protestant ascendancy? Is it the principle of national defence or of perpetual peace? Is it the principle of household suffrage or of electoral groups? Is it the principle of the hon. Gentleman the Member for the West Riding, that free trade is the panacea for all the evils of States, or is it a principle framed in deference to the sentiments of the noble Lord the Member for London, that free trade is a great exaggeration? These are questions which I think it is legitimate to ask, which I think ought to be as frankly answered as the questions which have been pressed on Her Majesty's Ministers. I know that the prospect which we, as a Ministry, may have in the present Parliament mainly depends on our knowledge of those who are our opponents. Sir, considering the circumstances under which we came into office, I must say I was not prepared, nor did I expect, that within a fortnight of that time I should find the noble Lord opposite (Lord John Russell) the prime mover of the difficulties now being raised against Her Majesty's Government. But great as the difficulties we may have to encounter may be, I confess myself I do not despair; I have confidence in the good sense and good temper even of the existing Parliament. If I have miscalculated these qualities, I will still hold my trust in the sympathy and the support of the country; convinced that they will support the present Government in their attempt to do their duty to their Sovereign, and in their resolution to baffle the manœuvres of faction.

LORD JOHN RUSSELL: Mr. Speaker, when, some three weeks ago, I quitted office, I stated the fact of our resignation to this House in very few words; but at the same time indicating the reasons why we had resigned, and indicating, I think very clearly, the course which in future I meant to pursue; but, Sir, that course has been so misrepresented in the speeches that have been made, and in the addresses that have been printed to electors, that I feel myself bound on this occasion to enter somewhat more fully into a statement of the reasons for which we resigned, and of the course we had pursued in the Government; nor will I refuse to the right hon. Gentleman the Chancellor of the Exchequer, if it is not already explicit enough, a statement of the course which I mean to pursue as an independent Member of Parliament. In the first place, I must say that the plea which the right hon. Gentleman has put forward—which the Earl of Derby put forward more moderately—but which has been exaggerated at last into a most wonderful and extraordinary statement, is one which I certainly have been surprised to hear. The statement is, that the present Government have only accepted office because the Queen was without a Government, and that they could not leave Her Majesty without servants to conduct the public business of the country. Why, Sir, it is a notorious fact that for years they have been endeavouring to supplant the late Government; that they have been almost unscrupulous as to the means, and that they omitted no opportunity by which they could place themselves in the situations they now hold; and be it remarked that they did not satisfy themselves, as formerly, with making direct Motions in this House by Members of their own party, by which they could obtain fairly the sense of this House as to a great public question—and a great public question I will admit it to be, whether in the first place the Acts which established free trade were wise and politic Acts, and in the next place whether they had been carried into effect cruelly and unjustly; but I cannot, and far be it from me to dispute the right of any number of Members of the House to oppose the Government on that ground—but they took advantage of any opportunity, of any occasion in which any Member of the House of Commons differed with the Government, to come down and swell the ranks of the opponents of the Government. It was in this way that, without agreeing with the hon. Member for Montrose (Mr. Hume), totally disagreeing with him when he said he wished for a perpetual income tax, and to lay the ground for the remission of the income tax, they came down to this House to support him in order to inflict a blow on the Government of that day. What was their course at the commencement of the present Session? Did they refrain from any attack on the Government? Did they confine themselves to weapons of legitimate warfare? Did they not use poisoned arrows for the purpose of attacking the late Lord Lieutenant of Ireland? Had they not a Motion of which they had given notice for the very next week, which was a vote of want of confidence in the Government? And, after this, can they pretend they were surprised when they were asked to take office, or that they were asked to take office on any other ground but because they had made a successful opposition to the Government. Upon the very occasion on which the noble Lord the Member for Tiverton (Viscount Palmerston) refused to the Government of the day leave to bring in a Bill with respect to the Militia—as upon the Motion of the hon. Member for Montrose—they came down, without any regard to the subject, without any opinion with respect to it—["No, no!"]—I believe myself without any opinion with respect to that subject, and they took the unusual course of refusing to the Minister leave to bring in a Bill with respect to the Militia. I own I am surprised that, after that course, they should make an allegation that they only accepted office because the Queen was left without a Government. Upon that very night they took pains to collect Members in order to defeat Ministers; and they were most active in collecting Members for that purpose. Well, Sir, what I felt on that subject was this: it is the duty of the Prime Minister of this country to superintend the whole of the important questions that relate to foreign affairs, to the colonies, and to the domestic affairs of this country, and to all questions with respect to the revenue and other departments of the country that are of importance; but I felt it would be impossible for me, if I were to be liable to those continual attacks in this House, and if the Government was to be degraded by those occasional defeats which must follow from the course adopted to take the House by surprise—I felt, I say, it would be impossible for me to give that due attention to subjects of great concern to the public which it was my duty to give. I felt, therefore, if I were not driven out of office, I should be worried out of it by Gentlemen in opposition; and then, indeed, after all this conduct, to come forward and say they only accepted office because the Queen was without a Government, I own does appear to me to be a false pretence, because their Parliamentary position was a perfectly constitutional one. They had only to say the policy of the late Government was injurious to the country, and that they wished to prevent them from continuing that course; and, for my own part, I have no objection to hon. Gentlemen opposite, if that policy was considered injurious to the country, fairly occupying the places they do; and I think the right hon. Gentleman the Chancellor of the Exchequer is fully entitled to the eminence he now enjoys, for the great talents he has displayed, and the manner in which he has conducted the business of his party in this House. But with respect to the position in which I now stand—and I must say, also, the position in which I stood when I quitted office—it has been entirely altered in consequence of the speech said to have been delivered on the 27th of February by the Earl of Derby. I have here a pamphlet which purports to be a speech of the Earl of Derby, and I have no doubt that the Earl of Derby did deliver a speech of that nature. Now, in what position does that speech place the Government, and in what position does the right hon. Gentleman place them now? The Prime Minister says, "I cannot propose measures to the present Parliament, because I should be in a minority." That is not an unusual position; but Ministers who have said that have usually said, "It is impossible for me to propose those measures with any prospect of success in the present Parliament. I must advise the Crown to call another Parliament, and to that Parliament I must submit the measures I think right for the country." But the proposition of the noble Lord at the head of the Government, and the proposition of the right hon. Gentleman the Chancellor of the Exchequer to-night, is this, "We are in a minority; we mean to conduct the whole business of the country with that minority; we mean to go through the Session; and when the Session is over, we mean to exercise our own discretion whether we shall dissolve Parliament or not: it may, perhaps, be dissolved in December, and then we shall propound the measures we think necessary." Why, Sir, in such a position as this, I must ask if it was unconstitutional in me, as I thought it would have been, to have held office with an uncertain majority, can it be constitutional in them to hold office declaring themselves in a minority? It appears to me, I own, that there is no constitutional precedent, that there can be no constitutional precedent, for such conduct as this; and, then, all matters of a party or controversial nature are to be laid aside. We are to be allowed to discuss the Bill for the disfranchisement of St. Albans, which my right hon. Friend the late Secretary for the Home Department introduced, and which the present right hon. Secretary for the Home Department has continued, and upon which, therefore, it is not likely there will be any difference of opinion; and we are to be at liberty to discuss the measure with respect to Chancery Reform—a subject upon which the late Government adopted the Report of the Commission, and upon which they had directed a gentleman competent for the purpose to prepare and draw up a measure to be laid before Parliament. And again upon that, therefore, there can be little difference of opinion; but upon that question in which the country is interested, upon which my hon. Friend the Member for Wolverhampton (Mr. C. Villiers) put his legitimate question; that question—what is to be the price of food of the people—that question, whether there is to be a fixed duty laid on corn—a tax of which, by the researches of all scientific men, 5-6ths will be paid to the landlords and only 1-6th to the Exchequer—if we ask anything about it, we are to be told that next February we shall learn something about it, but at present our mouths must be closed, and we must not presume to put such a question. In the same manner, with regard to our colonial interests, our navigation and shipping interests—all these matters are to be suspended till next February, and then the country is to be asked some question on which we scarcely get a hint from the right hon. Gentleman. The right hon. Gentleman repeated, three or four times, that he would frankly and fairly answer the question of my hon. Friend (Mr. C. Villiers); but, assuring us of his frankness and fairness, he constantly disappointed it, and refused to give any answer to the question of my hon. Friend—very different, indeed, from his speech in Buckinghamshire, in which a fixed duty was promised to the agricultural party, at least so the right hon. Gentleman is reported to have said; but the right hon. Gentleman says, "we do not preclude ourselves from proposing a fixed duty on corn."

The CHANCELLOR OF THE EXCHEQUER: No, no!

LORD JOHN RUSSELL: Well, then, the report of the hon. Gentleman's speech is erroneous. Does he now say he did not recommend it?

The CHANCELLOR OF THE EXCHEQUER: I said that a fixed duty was recommended by Mr. M'Culloch and other political economists.

LORD JOHN RUSSELL: I know that; but I do not think the right hon. Gentleman quoted that part of Mr. M'Culloch's book in which he said that the time was past for that, and that nothing could be more unconstitutional than such a proposition at the present day. That part of Mr. M'Culloch's opinion was sunk; but the other part, as I thought, and read in three or four different reports, in three or four different newspapers, seemed to be adopted by the right hon. Gentleman, and as I read it, he said, "That is the easiest way of giving relief to the agriculturists, and, therefore, we shall propose it; but if that mode fails, we shall propose a mode more costly and expensive." But now it appears the whole matter is to be involved in this mystery—that we are to sit here discussing Chancery Reform and sanitary measures until the usual time for ending the Session, and then we are to be prorogued; and some time in September, when the registrations have been duly looked into, and the benefit from the alteration in the elections ascertained, then Parliament is to be dissolved, and every agricultural Member is to be set at liberty to go to his constituents and say, "I am for protection, and if you support me we shall have from the Government protective duties;" and every Member of a town constituency will be at liberty to say, "The Government have, in fact, given up protection; they do not like to say it at present; until the new Parliament is assembled they will not bind their agricultural friends, but we shall find that the Free-traders in Parliament are the great majority, and the Prime Minister of the Crown will be as good a Free-trader as any other Member of Parliament;" and this, Sir, is put upon the House under the pretence of constitutional government. I verily believe there never was such a delusion attempted to be practised upon a people, and least of all upon such a people as the people of England. I am told this is to be referred to the intelligent portion of the people of England. Upon this subject the whole community is intelligent. It is a question which now every one understands. Ten years ago, when there was a dissolution in 1841, it was not understood; but the whole people of the country understand it now. They know what it means—they know it means the addition of something—whatever it may be—1*d.*, ½*d.*, ¼*d.*—or whatever it may be, to the price of their loaf—and that that tax is to go in the main part to the landlords of this country. That is perfectly understood. It requires no greater intelligence than all the labourers of this country possess. They do understand it; and they require to know, and the community at large requires to know, whether the policy of the Government is to impose that tax or to abandon it. But to that plain question we can obtain no answer. We are to be left entirely in the dark. And then the right hon. Gentleman tells me there is a change in the opinion I held when I was in Her Majesty's Councils, in which I said I would not advise Her Majesty to dissolve Parliament. There were two circumstances at that time: one was, that if we had dissolved Parliament at that time we should have been liable to the objection stated by Sir Robert Peel in 1846—that it would have been using the prerogative of the Crown—it would have been so understood and represented—in order to maintain a party in power, and that that was not a legitimate use of the prerogative of the Crown. In the next place, it would have been dissolving Parliament before the supplies for the Army and Navy, and before the Mutiny Bill, had passed; and in the state of affairs generally I did not think it wise to advise the Crown to take such a step. I should say even now, after the Mutiny Bill has passed, that a dissolution would be accompanied with the greatest inconvenience, and with a great delay of the public business; but if Gentlemen were so exceedingly anxious the public business should be proceeded with—if they were so anxious for the disfranchisement of St. Albans, and the passing of Chancery Reform, they had nothing to do but to leave the late Government unmolested, and those measures would have passed—they might have been perfectly secure to have had those measures passed in the course of the Session if they had been harmonious and had agreed not to attack Ministers. But there are other matters to which I am bound to allude, because the whole policy of the late Government with respect to these matters of commercial policy has been assailed, and one Member of the Government after another has proclaimed that it is the object of the present Ministers to overturn that policy, or to mitigate the evils which they assert have arisen from it. The right hon. Gentleman the President of the Board of Trade calls it, in short, acting in direct contradiction to the policy of Sir Robert Peel, and which has been continued by us. Now, I wish to show to the House the matters in which we have followed up that policy, and that that policy has produced in our hands general results beneficial to the country. I am obliged to refer to some papers which will show the House that, with regard to those particular measures, we have obtained results which ought to be satisfactory to the country. In the first place, when we left office there was a surplus revenue of about 2,700,000*l.*; and the sum applied as a sinking fund in the course of last year amounted to about 2,800,000*l.* So much for revenue. The state of public credit was unusually high, and the taxes which had been reduced during our administration to an amount of 4,000,000*l.* had not diminished the general revenue of the country. The taxes, in particular, with regard to one branch of the revenue—namely, the Excise, had increased so much that, after taking away by Sir Robert Peel's repeal of the glass duty, and ours of the brick duty, 1,080,000*l.* of revenue, there was an increase of the excise of last year over the excise of 1844. In 1844 the excise duty was 14,450,000*l.*; in 1851 it was 15,865,000*l.*, showing an increase of 1,415,000*l.* in only seven years. Now, with regard to the export of manufactures during the time we were in office, they increased from 57,000,000*l.* to 74,000,000*l.*, implying an increase of native industry and capital, and thereby implying just the contrary of what the right hon. Gentleman the Chancellor of the Duchy of Lancaster had again stated—namely, that industry and capital had diminished. But there are three subjects particularly which show the fairness of the policy adopted by Sir Robert Peel. We proposed an alteration in the duty on Sugar, by which those duties were very much reduced; and the increase of consumption has been such that, whereas in 1845 the sugar imported for consumption was 244,000 tons, in 1851 it was 329,000 tons. With regard to colonial sugar, the importation ought, according to the supposition of the right hon. Secretary of State for the Colonies, to have fallen off considerably; but the imports, which in 1845 were 244,000 tons, were, in 1851, 281,000 tons, being an increase of 37,000 tons. We also made some alterations with regard to timber, and there has been an increase of imports from 1,307,000 loads in 1843, to 2,037,000 loads in 1851. Another great change we introduced was the change with respect to the navigation laws, and we have found that there has been a very large increase indeed in the number of British ships since that change was made. In 1848 the tonnage of our shipping was 4,052,000 tons; last year it was 4,200,000 tons. In 1848 the number of seamen employed was 236,000; last year the number had increased to 240,000. Now let us see whether any such dangers as those mentioned by the right hon. Gentleman the President of the Board of Control have been incurred by that alteration. I conceive that the mischief would arise only in two ways—either by the diminution of British shipping, or by the increase of the shipping of some particular foreign State, in such a manner as to make that foreign State a dangerous rival to this country. Now, neither of these consequences has occurred. I find, on looking over the number of ships, that 18,205 belonging to the United Kingdom cleared out, against 305 belonging to Russia, 2,286 belonging to France, and 946 belonging to the United States; and those are the only Powers which can be looked upon as dangerous rivals to us with regard to navigation. While, however, there has undoubtedly been an immense increase in the tonnage of British ships, there has been a much larger increase, taken altogether, in the tonnage of foreign ships; but that, so far from being a disadvantage, proves only an increase in the trade of the kingdom. It proves that persons who import into this country raw materials for manufacture, articles of food, or whatever else, obtain ships at a cheaper rate of freight, and with greater readiness, than before the alteration of the navigation laws. Now, what, in fact, was that navigation law to which so much importance is attached, and which even Adam Smith was disposed to defend, as the least objectionable of our commercial regulations? Any one who looks to the history of the Navigation Act will see that it was an act of vengeance against the States of Holland—that it was an act of political rivalry, intended to prevent the States of Holland from obtaining the carrying trade of the world, and thereby being enabled to become a greater naval Power than England. Of late years, then, when no such object was attempted, and when that old policy was consequently unnecessary, it was fit to repeal the navigation laws, and by that repeal we have not incurred in any degree that danger against which Cromwell thought it necessary to guard. The hon. Member for Wolverhampton (Mr. C. Villiers) has truly said that under these measures the country has flourished to an extent that was before unknown; that not only has there been an immense increase in the export of manufactures, that not only has the number of ships enormously increased, that not only has the consumption of articles of food increased to a degree that no man expected, but that the people at large have been in a state of comfort and welfare which they never attained before. Now it is, as I understand, the purpose of the present Government to reverse that policy. That is stated obscurely and mysteriously in the speeches of the Members of the Cabinet. But it is stated clearly and decidedly by the right hon. Chancellor of the Duchy of Lancaster. He has said plainly —and I thank him for the announcement— that it is the Earl of Derby's sincere desire to reverse that financial and commercial policy which has been so injurious to native industry and capital of late years. Now, my belief is just the reverse. I am sincerely desirous to maintain that policy, which has been so beneficial to native industry and to native capital. I therefore do not cloak my meaning in words when I say that I mean to oppose any attempt to reimpose a duty on corn, whether for the purpose of protection or revenue. That is, at least, a plain declaration. These are words which cannot be mistaken; and I think, with the present Government in power, it does behove us to endeavour to obtain a clear decision upon that subject. If the right hon. Gentleman opposite refuses, as I think he has a right to refuse, to defer to the decision of the present Parliament, as one that was chosen favourable to free trade, I think he is bound not to delay until next February submitting this question to the country. I think it must be to the interest of all parties—the interest of every person engaged in trade and commerce—to obtain a solution of the question. I think it is likewise the interest of every person engaged in agriculture. I said many years ago, and I remember that the right hon. Member for Stamford (Mr. Herries) declared himself surprised at the assertion, that I believed protection was the bane of agriculture. I think we have had proof of the truth of that assertion since. I did not say that protection was injurious to particular farmers, or to those who did not well cultivate the soil; but I said I thought agriculture in general was injured by it; and since the abolition of that protection we have seen greater advances made in measures for improving the agriculture of the country, and increasing production, than we had ever seen before. My belief, therefore, is, that there never was a system introduced which tended more to the benefit of the people of this country than that commercial policy which, since 1842, has been placed upon our Statute-book. It is a commercial policy in agreement with all the deductions of science, in agreement with all the aspirations of men derirous to see a free intercourse between the nations of the world. If you maintain that policy, you will go on to flourish. But, observe, it is not a question that can be constantly suspended. It is a living and active principle; and, therefore, last year, although, after abolishing the window tax we had only a small surplus left, we acted upon the same principle upon which the Corn Laws had been abolished, and upon which differential duties had been repealed, and we repealed the differential duty on coffee, and very much reduced that upon timber. That was proceeding, according to our sense, upon the same principle as before. But if there is a surplus of revenue this year, a question may arise which we can hardly refuse to discuss—What shall be the disposal of that surplus? Then, if we say, as we shall be inclined to say, "Continue to give activity to those principles which you have found so beneficial," the right hon. Gentleman opposite may say, "Oh! but we are not Ministers for that purpose. Questions of commerce—questions of trade—questions of finance—these are questions with which we are incompetent to deal. They are controversial questions, and they must be suspended till next year." Why, I ask again, is this the interest of the country? Can it be the interest of the country that you shall have no decision one way or the other? On the contrary, is it not the interest of every one that you should propose, either to this or to another Parliament, such measures as you conceive necessary for redressing the evils now suffered by the landed interest, by the shipping interest, and by the colonial interest? We shall then have an opportunity, in vindication of our principle, of contending that not only all that has been done ought to be maintained, but that the same system ought to be extended and carried further. Entertaining these views, I have been greatly surprised at the declaration of the right hon. Gentleman opposite. I believe no Minister of the Crown ever stood in the position in which he stands. I believe that no Minister of the Crown ever stood in the position of saying—"I have great measures in contemplation—measures which will relieve the landed interest from cruelty and injustice—which will relieve the colonial interest from the ruin to which it is fast hastening—which will relieve the shipping interest from the competition under which it is now suffering—but I shall not submit to Parliament those measures. I will not call a new Parliament to submit those measures to them, but I will continue to govern in a minority, relying that the House of Commons will not only have forbearance towards us, but that they will be ready to injure the country for our behalf." Why, Sir, the course which the present Ministry pursue, while it is the one most convenient to themselves, is the one most inconvenient to the country. If they can obtain from this time till February next, without professing any principles, but endeavouring to get together, by one means or another, a majority for the next Parliament, undoubtedly that is a great advantage to them; but the whole country is, in the meantime, to be kept in suspense. No merchant is to know whether he can order a cargo of corn for the spring of next year; no manufacturer can know whether he may have a market for his manufactured goods; no farmer can settle with his landlord the terms upon which his rent is to be fixed; all this, too, for the convenience alone of right hon. and hon. Gentlemen opposite, in order to promote whose interests we are to sacrifice all the great and permanent interests of the country.

Mr. HERRIES said, after having listened to the speech of the noble Lord, who had just resumed his seat, he was somewhat at a loss to know what was its object. For what purpose had that debate been got up? For what purpose, he repeated? Why, it could not be forgotten that immediately after the dissolution of the Whig Administration, a somewhat pompous and sententious announcement was made that it was intended to submit a Motion which would bind that House to an adherence to that system of policy which the hon. Gentleman (Mr. C. Villiers) who gave the notice had been mainly instrumental in establishing. Now he asked why did not the hon. Gentleman then make that Motion? Why had he not tried the temper of the House of Commons on the question which he had so boldly announced? Why, he had shrunk from it, and, instead, questions had been asked, to which questions answers as distinct as the circumstances of the time would permit had already been given by his right hon. Friend the Chancellor of the Exchequer. Looking at what had been said by the noble Lord, it could not be said that any satisfactory answer had been given to the question put to him by his (Mr. Herries') right hon. Friend. The noble Lord had been asked on his side to declare what was to be the conduct and policy of the Opposition under existing circumstances. Had the noble Lord informed them what would be the conduct of the Opposition? He believed the House had obtained very little information from the speech of the noble Lord, and could not very well tell what was to be the policy of the Opposition. They had, in fact, learned nothing from the noble Lord's speech, but that he would oppose any attempt to reimpose any of those duties which had been removed under the system called free trade. Was that the manner in which the Opposition was to be conducted? The effect that had been produced upon the conflicting parties opposite by the change that had taken place in the position of the noble Lord, was not inconsiderable. For some time past the business of the country had been conducted by the late Administration relying upon parties with whom they were manifestly greatly at variance with regard to the principal points upon which their policy was regulated. They were by these parties imperfectly supported, and by them ultimately expelled from office. The noble Lord told them that it was owing to the continued pressure of opposition—it was "the worrying" of that opposition—that had at last brought them beneath the thrust of the lance of the late Minister for Foreign Affairs, from which they collapsed at once. He wanted to know who gave the blow. Certainly not the hon. Gentlemen who sat with him (Mr. Herries) on that side of the House. He (Mr. Herries) had more than once had occasion to animadvert upon the singular spectacle of a Minister, night after night, attacked bp those upon whom he entirely relied for the maintenance of his Government; and, no doubt, it was owing to the want of support from an united party—for that was the worrying the noble Lord had experienced—that the noble Lord had ultimately yielded. Yet it seemed that the very first effect of a change of Ministry had been an assembly at the noble Lord's residence, of the proceedings at which a report had been published, and which had led to a new combination among the hon. Gentlemen opposite. It was stated that the pressure which had been put upon the noble Lord was owing to the basis of the operations of his Administration not being being sufficiently broad; and a declaration was made by the noble Lord, that it was not so broad as he might have wished, but that circumstances had arisen which would enable the reconstruction of the party, and possibly of the Government, upon a broader basis. The projected alliance was of course intended to be with the portion of the House who advocate those extreme views and principles. These principles had been announced at the last meeting of the House, and they were told what they might expect from the noble Lord in the extremity of that factious opposition, for he was bound to call it that. ["Hear, hear!"] He repeated the phrase, and he remembered the case of a gentleman who inquired what was meant by "factious opposition;" and the answer was, "Wait till the Whigs are out of office, and you will know what 'factious opposition' means." The principles on which the new opposition were to proceed, were the ballot, universal suffrage, and the payment of Members of Parliament. He thought it right that the House and the country should know what their principles were. He should not certainly have risen were it not that he had been repeatedly called upon by the hon. Gentleman (Mr. C. Villiers) who had moved nothing, and by the noble Lord who had last spoken; and having been challenged to substantiate the statements he had made in another place at his recent election, that the effect of the repeal of the Navigation Laws upon the shipping and commerce of the country had been even more disastrous than he had anticipated—he should reply to these challenges as briefly as possible, and he should rely upon the result of the measure from the returns that were presented by the Government. He should put his statement in the smallest possible compass, in order that the House might more clearly understand it, instead of encumbering them with a great number of figures. He had maintained that the result of the repeal of the Navigation Laws would throw a large portion of the carrying trade of the country into the hands of the foreigner. It had, of course, always been acknowledged that they would not maintain these Navigation Laws without having to pay some increased freight for their goods; that if they admitted the foreigner to carry for them that which they had previously enjoyed the exclusive right to carry, they would have lower freights. In conducting the opposition—very unworthily, he must say—to the repeal of these laws, he had uniformly admitted that the result would be that they would have cheaper freights; but he contended that, in a national point of view, it was still more important that the interests of their commercial marine should be protected. Two years had now elapsed since the repeal of these Navigation Laws, and in the first year after the repeal they had been told by the late President of the Board of Trade, with great complacency, that there were 91 ships building in the port of Sunderland in 1850, whereas there were only 90 ships building in the year 1849. He (Mr. Herries) had already pointed out the effect, during the two years just elapsed, as regarded British and foreign shipping, although he ought to premise what he had to say by stating that it had been communicated to him on a former occasion, that the traffic inward was to be relied upon rather than the tonnage outward; but he had been met by parties saying, "That will not do; you have no right to say that the inward tonnage is a better foundation for your calculations." He should not, therefore, rely upon it; he would take both the inward and the outward tonnage, and give them the result of both, and it would be found that they fully verified his predictions that the repeal of the Navigation Laws would prove injurious to British shipping. The tonnage of British vessels inwards in 1849 was 4,390,000 tons (he would not state the hundreds). In 1851 the tonnage inwards was 4,388,000 tons, showing a trifling diminution, which he would not rely upon if it stood by itself; but they must remember that upon a comparison of a series of years, in all of them there had been a considerable progressive increase. In that year there had been no increase, but a diminution. Then take the case of foreign shipping. The foreign tonnage entered inwards in the year 1849 was 1,681,000 tons; the foreign tonnage entered inwards in 1851 was 2,600,000 tons. The rate of increase of British shipping was nothing, but rather the other way; but in the foreign shipping there had been an increase of 54 per cent. The outward tonnage of British shipping in 1849 was 3,762,000—the outward tonnage of British shipping in 1851 was 4,147,000 tons, being an increase of 384,000 tons. Now, with regard to the foreign outwards. The tonnage in 1849 was 1,656,000 tons; and in 1851 the amount was 2,336,000 tons, being an augmentation in that short time of 40 per cent. As regarded the whole of the British shipping, the tonnage inwards and outwards was in 1849 8,152,000 tons, and in 1851 8,535,000 tons, being equal to an increase of about 4¾ per cent. The foreign shipping amounted in the whole in 1849 to 3,348,000 tons, and in 1851 to 4,936,000, being an augmentation of 1,588,000 tons. While altogether, outwards and inwards, the British shipping had increased 4¾ per cent, the foreign had increased no less than 47 per cent. That was the simple result of the returns that had been laid upon the table of that House; and he asked the noble Lord (Lord John Russell) whether he was prepared to say that was a favourable or a satisfactory state for the shipping interests of this country? Let them look at the slight increase that had taken place in the British shipping during these two years, in the face of the uniform large progressive increase of British shipping in former years, and compare it with the very large increase that had taken place in the amount of foreign shipping. It was not necessary to disguise the fact that, for the sake of having their goods carried somewhat cheaper, they had given them up to be carried by the foreigner. In that way some classes had been benefited at the expense of the great shipping and maritime interests of the country. He thought there were national considerations involved in the maintenance of the Navigation Laws much higher than the mere saving of freight. He should like to know what was the amount of the American and other foreign shipping now loading in the ports of India and China for this country. He had returns in his hand; they were not official, certainly, but he had every reason to believe they were correct. There was, he believed, no doubt that there were at least seventy-eight ships, of which he had a list, some of them of the very largest tonnage, and forty-nine of them of very considerable tonnage, all loading at that time in the Indian and Chinese ports, to bring goods to England; while their own ships, which were formerly, before the change, able to obtain 6*l.* or 7*l.* per ton, were now offering for 30*s.* to 40*s.* The American vessels were, in fact, taking all that trade out of their hands—they made a sort of double voyage, by means of which the low freights were made remunerating, touching first at California, and then proceeding to India and China. Looking at the whole of the case, he ventured to assert that the effect of the repeal of the Navigation Laws was even more prejudicial to British industry than had been anticipated. He had stated, and he believed, that such was the case, that the arrangement was one that could not now be easily changed. They could not readily get back the advantages which they had so incautiously and imprudently thrown away. They might have accompanied the change by many countervailing advantages if they had proceeded judiciously; but the time was now gone by, and it was impossible to get them back. Why had they not imitated the example of the French, who had established a system of differential duties, so that goods imported in French ships paid six francs per ton, and those imported in foreign ships paid thirteen francs? He believed that he had vindicated all that he had predicted with regard to the injurious results of the repeal of those laws. But it was said, on the other side, at all events this new policy had produced a vast increase in the export trade of the country. Why, nobody denied that; but he contended that the increase of the exports proved nothing in favour of the new system. He had himself in the course of last Session shown that the augmentation of the exports had taken place without the intervention of free trade at former periods. In the years 1836 and 1837 there had been a large increase in the amount of the exports, and again in the years 1838 and 1839, showing that at those antecedent periods there had been a much larger increase than had taken place under the system of free trade. He should be the last person in that House to deny that the country was at present in a state of prosperity. He admitted that such was the fact—he admitted that the labouring classes on the whole were in a better condition than at former periods, but he was not convinced that was by any means the result of free trade; but would the noble Lord or hon. Gentlemen opposite venture to assert that the agricultural classes were in a state of prosperity? Was their condition a very favourable one? It could not be said that the tenant-farmers and landowners were prospering. The noble Lord and hon. Gentlemen opposite could not deny that which Her Majesty had declared in two Speeches from the Throne; but he believed the noble Lord was of opinion that Protection would not remedy that state of things, and that it was, in fact, of no advantage to the protected. Look at the more prudent and judicious conduct of the nations of the Continent. They were aware that the British could manufacture more cheaply than themselves, but they were very properly protective of their own industry, and imposed heavy duties upon British manufactures. If the States of the Zollverein were not protective of each other's interests, did they not believe that British manufactures would have ere this swept away the native manufactures? The hon. Gentleman (Mr. C. Villiers) had stated that a duty of 5*s.* per quarter on corn would, according to the evidence of a person who had given much attention to the subject, probably raise the price 2*s.* per quarter; and for 2*s.* a quarter, such a variation as occurred in the course of a market-day, the late Administration were determined to urge on a war of opposition against the Government on the part of those by whom they had themselves been paralysed when in office. He had been induced to rise and offer these few observations to the House, in consequence of the remarks made by the hon. Gentleman the Member for Wolverhampton, and the noble Lord who had last spoken.

SIR JAMES GRAHAM: Sir, I have not risen, following the right hon. Gentleman who has just sat down, with the intention to go at large into the statistics of the question he has raised with respect to the Navigation Laws; but I rise, Sir, in consequence of the challenge thrown out by the right hon. Gentleman the Chancellor of the Exchequer, with respect to that opposition which he anticipated I am about to offer to Her Majesty's Government; and before I answer that challenge I must be permitted to congratulate the House and the country on certain admissions which the right hon. Gentleman the President of the Board of Control has just made. He says that, on the whole, the country is in a state of great prosperity. He admits the working classes are satisfied, contented, and well employed; and though he does not trace that contentment and employment to the financial policy which has been adopted for the last six years, yet he admits the fact broadly and distinctly. Now, Sir, I am about to explain to the House the view which I venture to take in the present crisis of public affairs. I am not disposed to enter into any factious opposition to Her Majesty's Government, for I do think that in the present circumstances of the country it does become this House, without the slightest tinge of party feeling, dispassionately to consider the amount of force which ought to be provided for the protection of this country both by sea and by land—to enter into that subject in Committee of Supply, and proceed to vote the requisite estimates, and also to pass the Mutiny Act. But, Sir, I am bound to say that I do think the question now at issue—infinitesimally small as I believe the right hon. Gentleman said it was—is as important a question as ever was raised in a deliberative assembly, and one which, I believe, intimately affects the welfare and well-being of the great body of the people in this country. Now, Sir, it is not a question of a 5*s.* duty, nor a 7*s.* duty on corn; but the question really at issue is, will you reverse an entire policy—a policy, the results of which, by the examples admitted, and by whatever tests you choose to try it, far exceed the most sanguine expectations formed by its authors and supporters. The right hon. Gentleman the Chancellor of the Exchequer asked, I think, what was the bond of the opposition which he saw arising to the present Government. Now, I certainly was not prepared to find the right hon. Gentleman chary as to weapons of attack, or fastidious as to combinations to be formed, when there is reason to suspect an "organised hypocrisy." It is necessary, however, that we should come to a clear understanding with respect to the intentions of Her Majesty's Ministers; but although I think my hon. Friend the Member for Wolverhampton (Mr. C. Villiers) was quite justified in putting the question at the period and in the manner in which he has put it, I, for my part, am bound to say that I have no doubt whatever with respect to the intentions of Her Majesty's Government, in regard to the policy which they meditate, if they only can accomplish it. On this House and on the country it depends, of course, whether they shall succeed in accomplishing their purpose; but as to what that purpose is, I have no more doubt than that I have the honour of addressing you, Sir, at this moment. It is not, however, from the right hon. Gentleman who represents the Government in this House, that I seek for the explanations required by the country. I stated last year, having then listened to him when his proposed measures on the subject of agricultural relief seemed somewhat mystified, and his language not very perspicuous—I said then that I was forced to go to another House for explanations; and that there were Peers who stated explicitly—more explicitly, I was sorry to say, than the Members of this House, who acted in combination with them—the purposes of the party not dimly shadowed forth—the purpose, first, of changing the Administration, next of dissolving the Parliament, and then of reimposing duties on imports, and, as one of those import duties, re-establishing a corn law. That is the solution which I gave of the intentions of the Protectionists when in opposition. I adhere to the same definition of their intentions now. I call upon them to deny it if they can. I say that they now have succeeded in one move—they have displaced the last Government, and possessed themselves of power. I repeat my belief that they do intend to dissolve Parliament for the purpose of imposing duties on imports, and, among those duties, one on corn. Now, do I state this opinion lightly? Will the House bear with me—for this is really a question of evidence, and we seem to have some difficulty here in ascertaining it? Now, I have had the satisfaction and pleasure of knowing the noble Earl at the head of the Government intimately for many years; I have the most perfect reliance on his honour, and what he has stated, by that I am convinced he will abide. I will now, if the House will permit me, bring under its attention a series of avowals made with the utmost distinctness by the noble Earl who is now at the head of the Government; and I defy his Colleagues in this House to deny his intentions, or to wrest from its true meaning, and mystify, that which he has clearly stated. I will first refer to the statement of the noble Earl, made by him on the 28th of February, 1851, when he had failed in his endeavour to form an Administration. The speech to which I refer was one of great importance—I mean that speech in which the noble Earl stated to the House of Lords and to the country the causes of his failure, accompanying that statement with a frank declaration of the policy which he would have adopted if he had succeeded in forming a Government. Will the House bear with me while I read the principal portions in that speech which point to the policy he has adopted? The Earl of Derby says—

> "It would be impossible for me, even if my convictions were less strong than they are—it would be impossible for me, as an honest man, to take office without a full determination to deal with that distress, and endeavour to apply to it, as a Minister, effective measures of relief." [3 *Hansard*, cxiv. 1007.] . . "At the proper time"——

[*Ministerial cheers.*] Yes, but wait a moment. The avowal does not stop there. He is perfectly explicit, and I shall convince hon. Gentlemen, who have laboured long to obtain what they term a remunerative price and justice to British agriculture—a prospect which now seems so much nearer than at any other period—of the intention, on the part of the noble Earl, to consummate that which, during six years of incessant labour, they have toiled to accomplish:—

> "At the proper time I shall not shrink from stating the specific measure which I would recommend, but I did state that I would not take office on any other condition than that of endeavouring, *bonâ fide*, to give effect to my own conviction of the necessity of legislating for the relief of that class of Her Majesty's subjects. . . . I will take this opportunity, therefore, of explaining to your Lordships, fairly and frankly, what are my views and intentions upon the subject of agricultural distress. . . . I say that, by imposing a moderate duty upon the importation of foreign corn, you might raise a very considerable revenue for the country, while you would not materially raise the existing price to the consumer; but you would, by the acquisition of a duty of 1,500,000*l.*, or 2,000,000*l.*, enable the Government more rapidly to effect that object to which I have referred as of great advantage to the community at large—the extinction of the income tax." [3 *Hansard*, cxiv. 1020.]

Now, observe well that the noble Earl at the head of the Government contemplates raising from 1,500,000*l.* to 2,000,000*l.* annually by a duty on corn. The right hon. Gentleman the Chancellor of the Exchequer, however, treated with scorn what was contemplated by the hon. Member for Wolverhampton (Mr. C. Villiers), a duty of 5*s.*; but in the face of this passage from the speech of the Premier I cannot well understand why he did so. A duty of 5*s.* would by no means raise even 1,500,000*l.* It must be a much heavier duty. The noble Earl goes on to say—

> "I do not hesitate, therefore, to say that, if it were found impracticable, as I think it would be, to effect such a commutation of the system of

taxation as to place all classes upon a perfect level—"

A severe comment this on the plan of his present Chancellor of the Exchequer, who so often has proposed this commutation of taxation, which the First Lord of the Treasury now declares to be an impracticable experiment. "Then, according to the best free trade authorities" (such as Mr. M'Culloch, I suppose, who was quoted at Buckingham the other day by the right hon. Gentleman),

—"it is not adverse to the principles of free trade to impose, in favour of the class which is subjected to an undue share of burdens, countervailing duties to an amount sufficient to meet those burdens; and I believe that by the imposition of a moderate duty upon the import of corn and provisions you might raise such an amount of taxation as, at the end of the year after this—"

(and this was spoken, be it remembered, in 1851),

"would enable the country altogether, and, I trust, for ever, to abolish the income tax." . . . "I express my frank opinion, that the question of protection, or, if you please, the question of the unrestricted import of provisions, is one which must be settled by the country, once and for ever, whenever an appeal is made to the country for its decision." [3 *Hansard*, cxiv. 1020.]

I say nothing can be more clear than this. The then Government has since been displaced; the noble Earl is at the head of affairs, and he seeks to restore a duty on imports and on corn, by means, in the first place, of a dissolution of Parliament. Nothing can be more plain, more candid. Then the noble Earl continues:—

"But until I see the expression of the feeling of the country, when I find that the present system is working an amount of evil far greater than was anticipated either by its friends or by its opponents—certainly greater than I anticipated myself—I cannot, as an honest man, abandon the attempt to relieve the existing distress, by retracing the false step which has been taken, and to remedy the wrong done, by the imposition of a moderate import duty upon corn."

That was the admission which the Earl of Derby made when he explained the course he would have taken if he had been able to form a Government. Then he says—

"I feel that an apology is due to your Lordships, particularly upon such an occasion as this, for venturing to state incidentally, but I hope frankly, the views I entertain, and the policy which undoubtedly I should pursue." [3 *Hansard*, cxiv. 1321.]

Now, that is the explanation of the First Lord of the Treasury. There is no hesitation about it, but a frank declaration of his undoubted intention to pursue a certain line of policy.

"However little authority (he continues) I may pretend to, I was anxious that my views should not be misinterpreted and I trust your Lordships will not think that I have unduly trespassed upon your time in making a full and frank declaration of the course of policy which, if I had been called to office, I should have ventured to recommend." [3 *Hansard*, cxiv. 1025.]

Now, what is the use of inquiring in this House as to the intentions of the Ministry after such an explicit statement from the head of the Government? You may say that since this the opinions of the noble Earl may have been modified; but I have the strongest declaration from him, on the very first day of the present Session, when the Address was moved in the House of Lords, to the same effect as the passage I have just quoted. Will the House bear with me while I proceed to give a few more quotations from the speech of the First Lord on this occasion, remembering that this is a matter resting solely on evidence like that I am endeavouring to bring forward? I know perfectly well that every word which the noble Earl utters is in consonance with his intentions, and with the utmost perspicuity of language he has stated what those intentions are. Speaking in the other House on the 3rd of February of the present year, on the Address, the noble Earl says—

"For the last three or four years the price of wheat has been falling in this country; and my belief now is, as it was some two or three years ago, that the production of wheat in this country, unless some alteration of the law shall take place, must diminish to an extent alarming, if not dangerous, to this country. My Lords, I do not look upon it as a matter of indifference that a large and increasing portion of our supplies should be imported from other countries, because, unless we are misinformed, a prohibition of exportation from these countries may not be distant or improbable. I am not convinced that the repeal of the corn laws may not lead to frequent fluctuations in price; but I am confident that the effect of the repeal of these laws must be to render this country more than ever dependent on foreign countries for its main supply of food. That, my Lords, is a state of things dangerous to this or to any country; and I have not at all altered my opinion, that for the purpose of revenue, as well as the protection of native industry, it is desirable that agricultural produce should be included in the articles of import on which a revenue should be raised." [3 *Hansard*, cxix. 17, 18.]

The principle would, therefore, apparently be extended to cattle, and would include all those articles of provisions which my late lamented Friend, Sir Robert Peel, so earnestly strove to exempt from duties, so that at least the food of the people, whatever else might be taxed, should be relieved from taxation in every form. But my right hon. Friend the Member for the University of Oxford (Mr. Gladstone) is himself a witness as to the line of policy which the present Government proposes. There is no disclosure of any secret in what I am about to remark; the noble Earl now at the head of the Government stated it himself when he explained the causes which had prevented, in 1851, the formation of a Ministry by him. At that time, when the noble Lord (Lord John Russell) resigned, and the present First Lord of the Treasury attempted to form a Ministry, the whole arrangement was kept open pending the return of the right hon. Gentleman (Mr. Gladstone) who was then upon the Continent. The Earl of Derby made to him on his return to England a proposal to join his Government. But what was the preliminary point? My right hon. Friend asked the noble Earl the question which we have asked in vain here—"What are your intentions on the subject of Protection?" The Earl of Derby said, "My opinion is pronounced; I am quite decided in favour of duties on imports, and I am not prepared to say that corn should be excepted." My right hon. Friend, therefore, true to those principles which he had constantly advocated in reference to this question, said, "That preliminary declaration is fatal to our union. I cannot consent to join your Administration." So earnest was the Earl of Derby in adhering to the faith of his pledges, and so sincere in his opinion in favour of a reversal of a free-trade policy, that, though he had made the whole of his arrangements as to the formation of an Administration to depend upon the adhesion of my right hon. Friend, when he got that answer he abandoned the project, conceiving that success was not possible, and said "I cannot form a Government without you." I regret that the noble Lord the Member for Tiverton (Viscount Palmerston) is not in his place to add his testimony; but unless I am greatly deceived—I should have stated it in his presence, and he could have contradicted me, if I am misinformed—I am told, and I confidently believe, that the Earl of Derby had an interview, by the permission of Her Majesty, with the noble Lord the Member for Tiverton when the present Administration was formed, within the last fortnight, and that he did propose to that noble Viscount that he should take part in the new Administration, and that the same question which was put last year by my right hon. Friend the Member for the University of Oxford was put this year, and within the last fortnight, by the noble Viscount—that the same question, I say, was put, and the same answer given. The noble Viscount then felt and knew it was as possible for the Exe to flow backward from the ocean, as for the corn laws to be repealed—and that it was impossible for him to join the Administration of the noble Earl. Well, but now I think by this time I have gone very far to prove my case. My reliance is implicit on the honour of the Earl of Derby. He told us plainly last year what his sentiments were; he gave abundant proof of his sincerity in his interview with the right hon. Member for the University of Oxford; he repeated it on the first day of the Session this year in his speech upon the Address; he again gave the same proof of his sincerity when he formed the present Government in his conference with the noble Lord (Viscount Palmerston); and again, within the last fortnight, in his place in the House of Lords, he has given the most perfect proof of his firm and unalterable intention to deal both with our commercial policy and with the Corn Laws. But now, Sir, I shall have recourse to other evidence. I do not know whether the right hon. Gentleman the Chancellor of the Duchy of Lancaster is in his place. I have long known that right hon. Gentleman, and I know him to be a man of the highest honour and strictest integrity, who I do not believe would descend for a moment to palter with any question, and who with the most perfect frankness both in his address to his constituents and his address on re-election stood firm in his adherence to protection, stating that he accepted office under the Administration of the Earl of Derby only "from a conviction of his sincere desire to reverse that financial and commercial policy which has proved so injurious to native industry and capital." But now it seems we must go to Lincolnshire for truth; it is not hidden there, but there only explicit declarations are given to us. Now, Sir, I have for a long time been an occupant of the back benches, and I was not sorry to see Gentlemen hitherto in the same position coming forward into official life—country Gentlemen of good ability and understanding, trustworthy, and trusted with the representation of large bodies of constituents, their honour being undoubted, and their frank dealing to be altogether relied upon. We will turn once more to Lincolnshire, and see what was said by the right hon. Gentleman at the head of the Poor Law Board (Sir J. Trollope). What did he remark to his constituents? Why, this—

> "I will state to you, in his own words, what Lord Derby said his future policy would be. From them you may gather, what every man must know, that this question does not rest with him or with the Administration. We can do nothing unless backed by the constituencies of the empire."

This is most certainly the case; we have no quarrel on that point. If you frankly avow your policy, if you seek to bring it about by a dissolution, I do not deprecate a dissolution. On the contrary, before I sit down, I shall assign one or two reasons why we should press for a dissolution without delay. Let us join issue on the question fairly, let us go to trial—and God defend the right! What does the right hon. President of the Poor Law Board say? He cites the passage which I have already read, that the Earl of Derby could not as an honest man accept office unless he were prepared to reverse the financial and commercial policy of the country: the right hon. Gentleman then goes on to add—"Lord Derby thus refers the matter to the electors of the empire. It must be determined by them, and speedily." Yes, and speedily, say I; let us have no hesitation, on delay. The right hon. Gentleman continues—"It is evident that the present Parliament cannot last long, and I think you will agree with me, that the sooner its services are dispensed with the better." But is this the feeling of the Government? No, they have propositions for Chancery Reform; they have a Militia Bill; they have in view, not only the disfranchisement of St. Albans, but the enfranchisement of other places; and this does not look quite like dissolving Parliament "speedily." "I believe (the right hon. Gentleman added) this question will then be solved, and trust it will be set at rest for ever. We cannot afford to be always in collision with our fellow subjects." He then gives some most salutary advice to the owners of the soil. He says—"We must either have protection, or learn to live without it." Now, I say to the Gentlemen opposite, in the words of my right hon. Friend, "You cannot have protection, and you must learn to live without it." Then the right hon. Gentleman proceeds to show the agriculturists how they may live without protection—"I know, if we try, that we shall have to turn our attention to the improvement of our estates, for where is the landowner who can say that more cannot be done?" I say there is in these right hon. Gentlemen perfect frankness and no guile—I had almost said, here are Disraelites indeed. Now, Sir, comes a point to which I attach more than ordinary importance in a constitutional point of view. It was mooted by my noble Friend the Member for the city of London, and it is a question more pressing and more important than any other. The right hon. Gentleman the Chancellor of the Exchequer denied that there had been an appeal *ad misericordiam* by the Government towards this House. Now, I differ altogether from him on this point. I had the pleasure of hearing the noble Earl at the head of the Government in a late speech of his when he said, "I know that I am in an undoubted minority in the House of Commons, and I appeal therefore to the forbearance of that House." I deny absolutely that in the whole course of our Parliamentary history such an admission was ever made by any Minister, or that any such appeal for forbearance was ever asked. I challenge any Gentleman who does me the honour to follow me on this question, to point out where in our Parliamentary history such an admission was ever made, or such a request preferred. I say that the homage due to our representative system is at variance with such a request. I say that our representative system would be brought into disrepute if a Government so situated continued in office, or suffered Parliament to sit, an hour longer than was necessary to provide for the safety and defence of the country. What was the course taken by Mr. Pitt in that great struggle in 1784? He only asked permission to pass the Mutiny Bill, and then he said he was ready to dissolve. Mr. Pitt stated, "Only give me the Mutiny Bill, and this House shall be dissolved forthwith." He said, on that occasion, that the confidence of the House of Commons is indispensable to every Administration. Well, what was the course pursued by Lord Grey in 1831, when my noble Friend (Lord John Russell) and I were his Colleagues? General Gascoigne beat us upon the Reform Bill—upon some question of mere secondary importance on the relative proportion of Members—I think on the diminution of the entire number. General Gascoigne beat us, and forty-eight hours did not elapse before the Government had tendered their resignations to His Majesty unless he were pleased to dissolve the Parliament. There is another instance. I was then opposed to my noble Friend (Lord J. Russell). It was that season well to be remembered, and pregnant with example, the year 1841. A vote of want of confidence was carried by my late right hon. Friend Sir Robert Peel, on Friday night. My noble Friend (Lord John Russell) asked to have until Monday to consider the course he should take. He then came down to this House to move the Estimates, which were not yet passed. The Army, Navy, and Ordnance Estimates were passed, but the Commissariat and Miscellaneous Estimates yet remained. He asked for a vote to enable him to go on for six months. [3 *Hansard*, lviii. 1260.] Upon that occasion Sir Robert Peel went through all the points of Parliamentary history which bore upon this question. He said to my noble Friend (Lord John Russell)—"You do not possess the confidence of this House. Your proposal to take a vote in supply for six months is too long a period, and you will by that course prolong the Session to about its usual termination. I have no security that you will call a Parliament together directly." And Sir Robert Peel then said distinctly—"Unless you pledge yourself to dissolve this Parliament with the least possible delay, and call a new Parliament together immediately, I will propose that the Votes shall be, not for six months, but only for three months." But what is the course which the Government are about to take now?—and this brings me to the speech of the right hon. Gentleman (Mr. Herries). The right hon. Gentleman is about to move in ten days or a fortnight for the renewal of the East India Company's Charter, as if he were in the full enjoyment of the confidence of the House. What a melancholy state of things is this! Here, too, is the right hon. Baronet the Secretary of the Colonies declaring that he entertains the strongest opinions that our recent policy relative to the sugar duties is unjustifiable, and he has been seeking to arrest the further reduction in the duty upon sugar which is to take place on the 5th of July. He thinks our policy regarding the colonies is ruinous as it stands—that every step we have taken is indefensible. And yet he, a Minister of the Crown, and charged with the protection of the Colonial interest, contrary to his own views, is prepared, without making an effort, to allow that Act to come into operation, and when he has the opinion of one of his Colleagues who sits near him that a step of this kind when once taken can never be retraced. What does this mean? What is the intention of the Government, as it is indicated by the arguments of its Members? The right hon. Gentleman (Mr. Herries) has adverted to the Navigation Bill. I will not weary the House with statistics: but I am prepared to show to him that in this year the tonnage inwards and outwards has increased, as compared with the two antecedent years; and, save one exceptional year, which was the highest ever known, the tonnage outwards this year is larger than in any year preceding. The right hon. Gentleman views with jealousy and regret the fact that, while our tonnage is increasing, the tonnage of other countries is also increasing. But when we opened competition, removed prohibitory duties, and thereby greatly extended both the imports and exports, we were aware that that would be the case. But by renewed and increased duties upon imports, the right hon. Gentleman would seek to diminish our imports, and he would benefit the shipowners by imposing fresh fetters on our trade, to the irretrievable disaster of the shipping interest. Is he, a Minister of experience, prepared to offer a change of policy? He says "No; I appeal to the forbearance of the House." Was such a thing ever heard of, that a Government entertaining strong opinions and political views should not take the bold step of bringing their measures before this House, and, if it rejected them, should fail to advise Her Majesty to give effect to their policy by dissolving Parliament? I have said there was a discussion in 1841 on the constitutional question of the Government being in a minority, and hesitating either to dissolve Parliament or to resign. I have a speech which was made upon that occasion of the vote of want of confidence in the Government of my noble Friend (Lord John Russell), and which I will read to the House. The speaker said—

"The noble Lord (Lord John Russell) said, 'I admit that we do not sufficiently possess the confidence of the House to enable us to carry our measures.' Was there ever such an admission made by a Government before? Suppose that in any other time this proposition, and this alone, had been brought forward—that the Government do not sufficiently possess the confidence of the House of Commons to enable them to carry their measures through the House—just pause for a moment, and consider what must be the position of a Government who to that single proposition is bound to reply, 'We admit your allegation: we are unable to dispute it.' Why, in any other time would not such an admission have been regarded as conclusive proof that the Government was unworthy to conduct the affairs of the country? But the Minister says, 'Although we have not the confidence of the House, it is not incumbent on us to retire. We have yet some chances to try—we have yet some turns to take. It does not necessarily follow that, because we are without power, we must also be without office.'" [3 *Hansard*, lviii. 1172.]

The Person who spoke, then proceeded to denounce all threats of dissolution as inconsistent with the independent action of the House of Commons, and at variance with the spirit of the constitution. The speaker on that occasion was the present Earl of Derby. The consequence was that the noble Lord dissolved Parliament, and summoned a new one with the least possible delay. *Absit omen*, for the result was the displacing of that Government. Sir, I am very unwilling, since there is no question before the House that is likely to terminate in a division or in a practical issue, to proceed at any length. I would desire rather to indicate the opinions I have formed, than to go into any elaborate defence of that policy of free trade which I believe to be immutable, and which I believe hon. Gentlemen opposite will never succeed in reversing. But a word on this question as it affects the landowners. Is it a fact, as was stated by the Earl of Derby, that our agricultural produce is diminishing, and that we are becoming more and more dependent upon foreign States for a supply of food? I doubt that. I will not weary you with statistical details; but I will only say, that since 1846, 5,200,000*l.* of public money has been advanced to the landowners of the United Kingdom for drainage. Every farthing of that sum has been expended, and more has been required. The Duke of Richmond brought in a Bill, which passed into a law, enabling the owners of entailed estates to borrow money for draining, and immense sums of money have been borrowed under that Act. But does even that satisfy the demand for drainage? A private company was formed last year to find money for purposes of drainage, and was empowered to lend by Act of Parliament. I speak in the presence of men of experience, and I say that, with the present knowledge of agricultural science, I do not believe these vast sums have been injudiciously expended, and I appeal to any Gentleman versed in the cultivation of arable land to say whether there must not have been an increase of produce to an amount which it is very difficult to estimate? But is that all? You drain your land. Has the demand for artificial manure diminished? Take the importation of guano. During the year 1849, when the landowners were ruined, as we were told, under free trade, they imported 83,438 tons of guano. In 1850 the quantity was increased to 116,925 tons, or nearly doubled; and during last year not less than 243,514 tons of guano were imported into this country. You may say this is for land of a superior quality on which this stimulating manure was employed. But what do you say to the increasing desire to enclose waste land, which was not brought into cultivation during the high prices of the war, or during the late monopoly enjoyed by the landed interest? The number of acres enclosed since the passing of the Act of 1845 has been 365,902. And are the landowners even now discouraged? Last year, and since the last annual report of the Inclosure Commissioners for 1851, there have been enclosed nearly 50,000 acres of waste land, which had hitherto lain waste and had never been cultivated before. There is another most remarkable fact, in the amount of taxes remitted. Taxes amounting to 4,200,000*l.*, which directly affected the power of consumption and the comfort of the people, have been recently taken off, and yet there has been received into your Exchequer, notwithstanding this repeal or remission, a sum of nearly 4,800,000*l.*, which is greater than the whole amount of taxes remitted. During the existence of Sir Robert Peel's Government, the Duke of Buccleuch agreed with the Earl of Derby that it was not wise to suspend the operation of the Corn Laws in December, 1845, unless a pledge were given by all his Colleagues that the attempt should be made to reimpose the duty upon corn as soon as the emergency had ceased. The Earl of Derby contended for that pledge, and the Duke of Buccleuch concurred in that view. The Duke of Buccleuch is one of the largest landowners in the United Kingdom, taking into account the area of cultivated land possessed by him; and the Earl of Derby knows the truth of what I am about to state, that the Duke of Buccleuch, who, in 1845, agreed with him, stated last year that he was then in the receipt of as much rent as he had ever enjoyed—of as much rent as he desired to receive; that he had not a tenant whom he wished to keep who was not ready to pay him his rent; and that any attempt to reimpose the Corn Laws was to be deprecated as most dangerous to the owners of the land. Thus the Duke of Buccleuch, who once agreed with the Earl of Derby as to the propriety of re-imposing the Corn Laws, now differs from him *toto cœlo* with respect to the restoration of protection. I have talked of dukes and great men; allow me now to call your attention to the poorer classes in that country of which the Duke of Buccleuch is one of the most worthy, as he is one of the greatest, proprietors. I have before me some statistics of the town of Glasgow, published in a most authentic form in Dr. Strong's *Social Statistics of Glasgow:—*

> "It is found that there has been a gradual substitution of wheaten bread for oatmeal among our population. In six years, from 1840 to 1845 inclusive, the average imports were—wheat, 132,151 quarters; flour, 107,033 sacks. From 1846 to 1850, annual average import—wheat, 199,633 quarters; flour, 211,265 sacks. 1851—single year, wheat, 388,022 quarters; flour, 333,139 sacks. In 1819, 102,268 quartern loaves were baked weekly, showing about 3 lb. of bread for each individual, the population of the city then being 140,000. Assuming a population of 600,000 now dependent on the Glasgow market, it seems that the use of bread has doubled in Glasgow since 1846, and we arrive at an average weekly consumption of bread amounting to 8 lb. for every inhabitant. N.B.—The necessary luxuries of tea, sugar, and molasses have increased in consumption since 1849—tea, 325,351 lb.; sugar, 5,610 tons; molasses, 933 tons."

Thus, with a population of 140,000 in 1819, the consumption of bread was about 3 lb. for each individual; while now, with a population of 600,000, the average weekly consumption of bread is 8 lb. for each individual. But have my neighbours lost their thrifty habits? Have they ceased to lay by something from their wages? The accounts of the Glasgow Savings Banks

> —"show an increase, since 1841, of the number of depositors of 16,110, and of funds of 344,416*l.* 10*s.* 1*d.*; and since 1850, of 1,898 depositors, and 60,034*l.* 5*s.* 8*d.* Comparing at the two periods of the census the number of depositors with the population, it appears that in 1841 there was one depositor to every 21 inhabitants, whereas in 1851 there was one to every 12; and, carrying out the comparison between the amount of funds at each period and the relative population, the results are, 12*s.* 3*d.* for each inhabitant in 1841, and 1*l.* 8*s.* 9*d.* in 1851."

So much for the saving progress of Glasgow, as illustrated by this establishment. I not only say, with the Duke of Buccleuch, that there is much danger in attempting to reverse our present commercial policy, but I say that there is something more, which is now trembling in the balance, than either corn laws, or no corn laws, import duties, or no import duties. If the result of your dissolution of Parliament should be to return a majority in favour of a reversal of that policy in which the comfort, the interests, and the feelings of the people are bound up, there will be, not against your policy, but against the representative system, and against the interests of those who are the holders of property, a feeling of discontent which it will be difficult to allay. I shall be glad to bring to a close the observations I have addressed to the House; but there are still one or two points to which I must advert, and I do it with a regret I can hardly express. The avowed object of this Government, whose policy is stated not in details, but still with sufficient perspicuity, is an early return to the protective system. I heard it said by the noble Earl at its head, that he felt he should be introducing a system which he hoped would conduce to peace on earth, and good-will among men. Those are solemn, holy words—words of the harbinger of glad tidings, and the heavenly message borne to mankind with healing on its wings. Can it be truly said this effort is of that description? Is it calculated to bring peace on earth, good-will among men? I do not ask, is it in accordance with the order, "Up, Guards, and at them!" but I am satisfied, if this policy be pursued, it will be no peace—it will be heartburning, it will be discontent, and such animosity between class and class as years will not efface, and the consequences of which I dread to contemplate. The other day the right hon. Secretary at War was re-elected for North Essex. He described the great advantages of a tax on corn to his delighted farmers, when a voice from the crowd called out "Cheap bread!" What was the reception given to that man? The candidate said, he was "not an elector of North Essex, but one of the Braintree rabble. He appealed not to men from the factories of Braintree, but to men who had votes in the county." I am afraid at the coming elections that cry will be repeated. I do not fear the ultimate reversal of free trade in the country, whatever the state of its representation may be; but if its representatives say that they will disregard the opinion of the rabble on the question of cheap bread, I very much fear the result. I am asked what are the bonds into which I have entered with those around me. I, Sir, have entered into no unworthy compact. I have but one object, and that is the maintenance of the policy which, when in office, I helped to establish; and I am anxious to give my co-operation to every Gentleman in this House who wishes to maintain it. But I check my ardour. I remember the last conversation which I ever had with Sir Robert Peel. It was upon the eve of that great discussion upon our foreign policy, in which he and I found it our painful duty to vote against a Government which upon other accounts, and, more especially upon the account of their support of a free-trade policy, we had usually assisted. It was impossible not to look to the consequences of that vote, and I pointed out to Sir Robert Peel the possibility that the Government would be overthrown, and I asked him what would then ensue? He said, "I know that in this country, without party connexions, no man can govern. I know that my party ties are dissolved, and I am not prepared to renew them, and do not desire to renew them. But, come what may, there is no effort that I will not make to maintain that free-trade policy, which I believe to be indispensable for the maintenance of peace and happiness in this country." Sir, I do not possess the abilities of my right hon. Friend, but I share his determination, and, like him, there is no effort I will not be prepared to make, and no sacrifice I will not be prepared to undergo, to uphold that policy; which, in my heart and conscience, I believe to be necessary for the peace, the happiness, and the well-being of my fellow-countrymen.

MR. WALPOLE: I rise to call the attention of the House to the peculiar position in which it is placed on this occasion. There is no question, in fact, before us. There is no subject of debate really under discussion. And yet, as is usual upon all occasions of the kind, every possible subject on which hon. Gentlemen are desirous of expressing an opinion, has been brought under the notice of the House. The real facts are these: Certain questions have been put to the Government by the hon. Member for Wolverhampton (Mr. C. Villiers) in the early part of the evening. Those questions have been answered by my right hon. Friend the Chancellor of the Exchequer, at least three hours ago. The only topic of discussion, consequently, before the House since that time is, whether those questions have, or have not, been properly answered? In the able and remarkable speech of my right hon. Friend the Member for Ripon (Sir J. Graham)—for I trust he will still permit me to call him so from personal feelings, although politically we may differ from each other—the House has been told, not only that the question of free trade and the policy of the Government is mystified and obscure, but also that the subject has been completely set at rest by what the Earl of Derby said in his place in Parliament this year, and also by what he said last year when he had the opportunity of taking upon himself the government of the country. Well, then, I ask, why are you discussing this matter at all, if the House and the country are aware what answer is to be given to those questions to which hon. Gentlemen express themselves now so interested to have a specific answer? The answer has been given. We do not intend to reverse, as the right hon. Gentleman put it, a free-trade policy—and here I must observe that the whole of his speech put the matter on that issue not quite fairly—we do not intend to reverse a free-trade policy, but we do think that that policy should be so altered and so modified—I repeat again we do not intend to reverse a free-trade policy, but we think that policy should be so altered and modified as not to press unjustly upon any class while benefiting another. If, therefore, the question is to go to the country upon a true issue, let that issue be in our words, and not in the words of our opponents: for the Earl of Derby has said, both this year and last year, that it was his desire to relieve the agricultural interest from burdens under which they suffered, whilst you have taken from them all the protection which up to 1846 they had enjoyed; but how that relief was ultimately to be given, must depend upon a full consideration of the fiscal arrangements affecting all interests of this country, and amongst the arrangements it may be necessary, probably it would be necessary, to consider the propriety of putting a duty upon all articles of import, excepting only raw materials, and not, in his opinion, excluding necessarily a small duty upon articles of food, amongst which articles corn might be one. ["Hear, hear!"] I do not intend to state the question unfairly. But let the House remember that the Earl of Derby also said, and has constantly repeated, that if the well-expressed opinions of the people of this country were against a duty being put upon articles of food, partly for protection and partly for revenue, he did not intend, after the country had so expressed itself, ever to moot the question again. Now, I believe I have fairly stated the question at issue, if there be a question at issue, between the Gentlemen opposite and ourselves. Nor do I think it would have become me to go further into any discussion upon these matters unless it had been for the question raised by the noble Lord (Lord John Russell), and followed up by the right hon. Baronet the Member for Ripon (Sir J. Graham)—a question, I admit, of grave importance; and, if the noble Lord be right, subjecting us, I deliberately say, to the gravest censure on the part of the Parliament and of the people of this country. The noble Lord says we are taking an unconstitutional part. Now, there is no person in this House, or out of it, who more thoroughly understands the nature of our constitution than the noble Lord; and I think I will convince him that instead of taking an unconstitutional part, we are taking the only part which under the circumstances we could take, and for which we have a precedent the most complete to justify us. I beg the House to remember exactly the circumstances which brought us into power. We did not raise up any particular question which led to the dissolution of the late Government; we did not raise any particular question calling upon the House to overturn by an adverse vote a definite line of policy pursued by the late Government, in order to substitute for it a definite line of policy of our own; but we were brought into power for two reasons, and for two reasons only: the first, because the noble Lord, by his own admission, had so far lost the confidence of his supporters that he could not carry on the public business of the country in his own way, and according to the view which he thought would be best for the general interest of the country; and, secondly, because there was no other party in either House of Parliament sufficiently enjoying the confidence of the country to enable them to take the reins of power. That is a totally different question from all the precedents stated against us. What are the precedents of the right hon. Gentleman the Member for Ripon? He particularly adverted to three precedents—to that of 1831, to that of 1841, and to that of the year 1784. But what was the issue of 1831? The question of reform distinctly raised in this House between the Government and their opponents, and decided against the Government. What was the question of 1841? A vote of confidence in Ministers, carried also against the Government. How can you assimilate, then, the position of Ministers—either in 1831 or 1841, when they were beaten in Parliament by a House of Commons of their own convening—to the position of a Ministry called to power in a House of Commons convened by the late Government, and only brought into power because the late Government acknowledged they were unable to carry on the affairs of the country? I admit to the noble Lord, if the Government had been able to carry on the business by reconstructing his party upon a more extensive basis—as rumour now says the noble Lord intends to do—or if any other party were sufficiently strong in the confidence of the country to carry on the public business, that we have no right to sit on these benches a single day. But I say that, placed as the country was without a Government, we should indeed be neglecting our duty if we had not done at least our best to carry on the necessary business of the Government until the sense of the country could be taken upon certain grave questions, and, among others, upon this, which of course, to ourselves is the gravest of all—namely, whether we enjoy the confidence of the nation. Before I go into another part of this subject, I cannot but remark that both the noble Lord and the right hon. Gentleman the Member for Ripon have not a little undervalued the importance of going on with some measures before a dissolution of Parliament be advised—not only undervalued, but entirely passed over, the fact—that all the private business of Parliament will be in abeyance—that not only great delay will be occasioned, but great expense incurred—and that all the advantages to be derived from the uninterrupted conduct of private business will be completely destroyed. They have, I think, undervalued the fact, that we have a Lord Chancellor at the head of the administration of justice at this moment, from whose great knowledge and large experience the country may fairly and reasonably expect the most salutary and beneficial law reform. The noble Lord and the right hon. Baronet have also forgotten what the noble Lord himself stated only a fortnight ago—namely, that the dissolution of Parliament in the present state of this country and of Europe was not a step that he, as a responsible Minister of the Crown, would advise. Let it not be said that I am appealing to the forbearance of Parliament—I am appealing only to its justice. I say it would be unjust to the country, if at the present time you should have a dissolution, when all those grave questions have to be decided. With reference to forbearance, and whether there is or not to be forbearance, in the truest sense, I think that leads me to the last of the great precedents—that of Mr. Pitt in 1784. Now, unless my recollection fails me, the right hon. Baronet (Sir J. Graham) has entirely misinterpreted or forgotten what Mr. Pitt said and did on the trying occasion when he waged the great battle against his opponent, Mr. Fox. If I recollect right, the question of the dissolution of Parliament was never adverted to by Mr. Pitt until near the end of that struggle. Mr. Pitt invariably said, "I decline to give an opinion one way or the other upon the question, but, as a responsible Minister of the Crown, I shall advise the course I think the Crown ought to adopt." The right hon. Baronet will forgive me for correcting him when I say I think he is mistaken in saying that Mr. Pitt, on coming into power in December, 1783, ever adverted to the dissolution of Parliament, although he came into power in as decided a minority as the present Government do on this occasion. But there is another circumstance the right hon. Baronet has forgotten, that the Whig Government of that day went out of power upon a most important question brought to issue, namely, the East India question. The present Government came into power upon no question they have raised against the late Government. That is another circumstance the right hon. Gentleman ought to have adverted to. But when you come to what Mr. Pitt did and said on that occasion, as so appropriate to the present time, the House will forgive me if I read a passage from one of his speeches bearing on the point. Mr. Pitt said—

> "He declared there were active duties, not the less indispensable because they were disagreeable —that in a critical situation it was incumbent on a Minister, who found he was not approved of in this House, to look to the probable consequences of his immediately resigning—that it behoved him to consider who were likely to be his successors, and whether the country might not receive more detriment than derive advantage from his leaving it without any Executive Government, and in making room for an Administration in whom the Crown, the Parliament, and the people would not equally repose confidence."

Three weeks ago we were told that the Government did not so far enjoy the confidence of Parliament as to be able to carry on the business of the country; and unless in these three weeks some new and extraordinary amalgamation of parties has taken place to put the noble Lord in a new and better position, we shall be required, if we are to retire without an adverse vote against us, to hand over power to those to whom we have ever been far more opposed than to the noble Lord. But the right hon. Member for Ripon has entirely forgotten the difference between the conduct of Mr. Pitt and his opponents, and the conduct of the present Government and their opponents. If I remember aright, an extraordinary coalition took place at that time, when the Whigs went out of power. Nothing damaged the Whigs so much as that unnatural alliance; and I warn the noble Lord, who is a constitutional Minister, and for whom I take the liberty of saying that I have always entertained the highest possible respect, I now warn the noble Lord, as he loves the Constitution, which I know he does, to beware before he joins with those who will not merely unite with him in carrying on salutary reforms, but who have objects behind—democratic tendencies—to which the noble Lord would not give his acquiescence, but by which he might in an unlucky moment be betrayed into a false position, much, I believe, to his own disadvantage, and certainly, I am sure, to the great disadvantage of the country. Now, I hardly think it would become me to advert any more to topics alluded to in this debate, since I only got up to call the attention of the House to the only question which is really before it. I could not but notice the constitutional objections the noble Lord had taken to our course. I feel, that upon reflection, whatever may be your opinion of the present Ministry, you cannot justly charge against them that they have taken an unconstitutional course in adhering to the opinions they have always entertained, and in merely wishing to carry on the business of the country as long as they properly and fairly can do so, not, however, shrinking from appealing to the country to ascertain whether it does intend to give or withhold its support; but feeling that they have a right, a good and an honest cause, on which they may, and on which they intend to appeal to the country with perfect confidence.

MR. GLADSTONE: Sir, when the right hon. Gentleman who has just sat down adverted to the length to which this discussion extended, I felt confident he was not to be misunderstood as making any complaint as to the length of the discussion. If ever there was an occasion which justified the House of Commons in surveying the state of affairs, in endeavouring to strike out some path for itself, in consequence of the difficulties before us, to vindicate its own position in the Constitution, and to secure, by forethought the welfare and best interests of the country, this is such an occasion. It is such an occasion, because in the first place the position of the Government, which has a minority in the Commons' House of Parliament, is necessarily anomalous, and is, I say it without offence, a provisional position, and because the first and deepest principles of the Constitution are in that manner brought before us. It is likewise an occasion of the utmost importance and moment, because, independently of the great constitutional questions which are brought before us by the existence of a Government so situated, we have now to consider that which transcends in importance, at least at the present moment, almost any constitutional question, namely, the great question of protection and the legislation regarding the supply of food to the people; that great question, which not only overthrew the strongest Government and shattered a mighty party in 1846, but of which the weight and gravity has been felt by all parties through the last six years. It is not too much to say of it that it has deranged the whole practical system of our Parliamentary Government, so as to call upon us, as has been stated, in my judgment, in the powerful language of my right hon. Friend (Sir J. Graham) to make every effort that men can for the purpose of bringing now once and for ever the question to its final settlement. Sir, these two considerations, to which I shall endeavour to confine myself—first of all, our duty in regard to the position of the Government, and, secondly, our duty with regard to the question of protection—I will speak with frankness: as the House of Commons has a right to expect great parties to be explicit, so it has a right to make the same demand from men who stand in no party connexion, but who have a great public duty to perform, which imposes upon them a particular line of action. I might have been satisfied to refer to the general explanation which has been made in another place by a noble Friend of mine (the Earl of Aberdeen), who has set forth with great fairness, and with a total absence of party hostility to Gentlemen opposite, the most sincere desire that they should have all justice, fair play, and forbearance allowed them, wishing to give them every legitimate support, but who could not at the same time suffer it to place in abeyance, and indefinitely suspend, the great question of our commercial legislation, upon which depends the supply of subsistence to the people. But I shall endeavour on my part to state what are my own views of duty, and what we have a right to demand from the Government. The right hon. Gentleman, who has just spoken in a manner consistent with his high talent and ability, has adopted that conciliatory tone towards the House of Commons which is no less prudent in point of policy than honourable in point of feeling. The right hon. Gentleman—and if I am to make a complaint of his speech it is this—seemed disposed to avoid the recognition that there was something irregular and contrary to the ordinary working of our Constitution in the existence of a Government which is in a minority in the House of Commons, and he joined issue with my right hon. Friend the Member for Ripon on the precedents he had alleged, especially the precedent of Mr. Pitt in 1784. I must confess to the accuracy of the right hon. Gentleman with reference to Mr. Pitt. At the commencement of Mr. Pitt's Government, when opposed by a majority in the House of Commons, and, if I recollect aright, before he took his own seat by re-election, he took occasion to convey to the House of Commons, by the mouth of his Colleague Mr. Dundas, a pledge that he would not at that time advise the Crown to dissolve Parliament. At a subsequent period a question was put to Mr. Pitt, desiring him to repeat that pledge more largely. He declined to state what advice he should give the Crown; but when the House of Commons came to a resolution as to the maintenance of that Parliament, Mr. Pitt did not decline to state the advice he would give to the Crown. Mr. Pitt then took the votes which were necessary for the public service. He passed the Mutiny Bill, he submitted to the judgment of the House of Commons the India Bill connected with the subject on which he had taken office, and then dissolved the Parliament. But Mr. Pitt was sensible that the existence of a Government in minority in the House of Commons, is a state not only irregular but one requiring to be brought at the earliest period possible to an end. The right hon. Gentleman (Mr. Walpole) misinterpreted my right hon. Friend the Member for Ripon, if he thought that these precedents were relied on as precedents. They were not mere precedents extracted from antiquarian pocket-books. They were illustrations of a great practical living principle of policy. That principle is this—that if you are to have a strong executive Government to administer the laws, and prompt to guide the Legislature, with respect to the amendment and the passing of laws, that Government can have none of the strength, dignity, or efficiency requisite to fulfilment of these duties unless it possesses the confidence of the House of Commons. I am not going to draw any strange inference from this proposition. Nobody complains of Ministers having assumed office. By accepting office they only fulfilled a public duty. I deeply regret, with my views of liberty of commerce, that a great and respected party in this country should seek to impair, undermine—if not to destroy—a policy which in my opinion has conferred inestimable benefits on the country. But the fact that that party has for six years been in organised opposition—the fact that the whole system of Parliamentary action interfered with the legitimate consideration of all other questions—that high interests were suspended—I say the fact being so of these evils, I am glad hon. Gentlemen opposite took office. I now see a prospect of an issue, which I do not believe we should have arrived at so soon in any other manner. I am confident we shall have it now, because it is a duty incumbent on us, and one from which I am sure the House of Commons will never shrink. With respect to the position of the Government being in a minority, I stand on the principle I have stated, and the inference I draw from it is this: we are entitled to ask from the Government a distinct assurance that, after the despatch of necessary business—and I do not mean to give an unduly narrow construction to the term necessary—the Crown should be advised to appeal to the country. It appears to me that to obtain that assurance, and to obtain it in plain terms not to be mistaken, is the main duty of the present House. The right hon. Gentleman (Mr. Walpole) has, to a limited extent, made such a demand; for he told us to-night that the Government will proceed with the Bill for the disfranchisement of St. Albans, the Bill for Chancery Reform, and a measure relative to the militia and defence of the country. With respect to the militia, or any measure necessary for the defence of the country, I think it is but fair, in such measures, which in their nature bear upon the circumstances of the moment, that the Gentlemen who form the Executive, and who are responsible for the public peace, are entitled to a fair and dispassionate consideration for any scheme they may propose for national defence. With respect to the disfranchisement of St. Albans, I think, with a dissolution in view, it is obviously desirable that you should not offend what I may call public morality by allowing boroughs, solemnly condemned for abuse, to return Members to a new Parliament. I, therefore, cannot make any objection to the Government proceeding with that Bill. I wish I could take an equally clear and favourable view of the postscript which the right hon. Gentleman the Chancellor of the Exchequer seemed inclined to append to that measure. The right hon. Gentleman, I think, must feel that the disposal of the four seats depends upon a different principle from that of disfranchisement, and I think the House will be free to decline to interfere with the distribution of these seats, which I do not think come under the category of "necessary measures." With respect, again, to Chancery reform, I do not see that that is a subject on which the existence of this Parliament ought to be prolonged. It is a subject, no doubt, of the greatest importance—a subject from the consideration of which I hope no section of persons, either in this or the other House of Parliament, will shrink. But it is of no special importance at the present moment, and ought not to be made the means of prolonging the existence of a Parliament which stands between the country and the decision of a great and vital question. I make no objection to the Government proceeding with this or any other useful measure they can carry, which does not prolong the present Parliament. The point, however, to which I wish this present discussion narrowed is, that it is the duty of the House to obtain, in terms and substance, an assurance of the intention of the Government to advise the Crown to dissolve as soon as the business necessary to the circumstances of the moment shall have been transacted. With regard to the great question of protection, I, like others, labour under a difficulty in comprehending clearly the intentions of the Government when I endeavour to reconcile the various declarations made; but I think I am justified, on the whole, in taking what has been stated by the right hon. Gentleman the Home Secretary, as a clear and definite indication of the policy which he and his Colleagues intend to pursue. The right hon. Gentleman said, that there was no intention to reverse the policy of free trade; and I do not think that we ought to bind the right hon. Gentleman by the expression used by the right hon. Chancellor of the Duchy of Lancaster in another place, which, possibly, was accidental. [*Laughter.*] I entreat hon. Gentlemen not to imagine that I made that observation by way of taunt: I intend none. I remember the proceedings of last year, when the Earl of Derby informed me, that it was his intention to propose the imposition of a moderate fixed duty, and when, in consequence of that information, the communications between us terminated—I remember he made a statement in exact conformity with what is now said, that it was not his intention to reverse the free-trade policy, but to modify it. Now, I am alike opposed to reversal or modification of it. I am indebted to my right hon. Friend (Mr. Walpole) for having told us frankly that his intention is to recommend the country, so far as the authority and influence of Government is concerned, if not to reverse, yet to alter and modify our free-trade system. I entirely disclaim the right of asking the Government what they will do in another Parliament. It will be more in accordance with the spirit of the Constitution to leave another Parliament to look after its own concerns. We ought to be satisfied with looking after our own. But so far as a modification or reversal of free trade is concerned, I only wish at present to dwell on one thing—the absolute imperative necessity of bringing this great question to a final decision. That is not an unfair demand to be made by those who know they are in a majority in this House. We surely shall not be told that no vote of want of confidence or for shortening the supplies have been passed, and that therefore we must not press for a declaration. I hope hon. Gentlemen opposite will not place us in the disagreeable alternative of having to choose between what might be termed a factious opposition on the one hand, or, on the other hand, of neglecting a duty which we are all determined to fulfil, in bringing this great question to a close. We may, with my right hon. Friend the Member for Ripon, indeed look with the greatest satisfaction and delight on the enormous good which has been achieved in the improvement of the condition of the people under free trade; on the additional strength that has thereby been given to our institutions, and even to that territorial aristocracy which imagined itself deeply wounded by the free trade-system. But while we stand upon these results, let us not forget engagements more urgent. It is not demonstration we have in view by figures or reasonings. It is to bring the question to a practical issue; and, if not in this at least in another Parliament, to reflect the sentiments of the country, and to be able to speak of the doctrine of Protection as a thing past and gone; as a thing advocated during a long series of years by a great party in opposition, strengthened by the accession of that party to power—submitted to the judgment of the country with all the advantages it could derive from the possession of power by its supporters—fairly considered by the country after five years' experience, and then adjudged and decided against. This is the termination we have in view; and to this termination I am disposed to press by making one demand on the Government—a moderate, and I think a just, demand, and which being moderate and just, I think they ought to concede—namely, that the business of the country should be expedited with all despatch, and when so expedited, that the Crown shall be advised to appeal to the sense of the people—not to bind the Government as to their policy in another Parliament, but with the view of carrying the great arbitrament forward to that issue which the whole country with one heart and mind desires.

MR. BAILLIE COCHRANE said, that formerly it was the practice periodically to call the attention of the House to the state of the nation; but he thought that they might with advantage reverse that practice, and call the attention of the nation to the state of the House. And if the attention of the nation were directed to the state of parties in that House, he must confess that it would have no great cause for confidence. There were at least no fewer than four parties, no two of which could be induced to combine for the sake of good government, yet three of which were capable of combining when the object was to impede the march of all government. Let them first consider the conduct of the Liberal party, and he would ask them whether, when the noble Lord the Member for the city of London was in office, they afforded his Government an efficient support? Who was it turned out the noble Lord last Session? Surely it was not the Earl of Derby. And on every occasion when their opposition could be mischievous, was not the Liberal party found opposed to the late Government? But it was not only in that House that the noble Lord had cause for complaint; he had been attacked by all their organs out of doors in the most virulent manner. Take, for instance, the pure and immaculate Member for Bath (Mr. Roebuck), he who some time since was Chairman of the Purity Committee in that House, who prided himself on being the Andrew Marvel of the day;

> "Such as Marvel was of old,
> When he scorned the placeman's gold."

Even he, in a recent publication, characterised by all that "audacity and fluent acerbity"—he quoted the hon. Gentleman's own language—which he was so fond of ascribing to others, had lately given a *History of the Whigs* to the world, with which they could not be very highly pleased. Indeed, he did not find any more pleasant and instructive work than the *History of the Whigs*, written by Roebuck, unless it might be the history of Roebuck, written by Coppock. Much reference and many questions had been asked as to the principles upon which Her Majesty's Government founded their acceptation of office; but he had heard as yet no answer to the question upon what principles was the opposition by the noble Lord conducted. He did not expect that this discussion would have been turned, as it had been, into a corn-law debate. So much for the policy of the Liberal party; and he now turned to the noble Lord the Member for the city of London, who was so fond of boasting of his traditional policy when in office, that he (Mr. B. Cochrane) might be pardoned alluding to his traditional tactics when in opposition; and those tactics were, to bid high for Liberal support when he felt himself sinking, and to head a factious opposition when he was out. It would be in the remembrance of the House, that, after the Duke of Wellington had carried the Catholic Emancipation Bill, when he might have fairly calculated on the noble Lord's support, the noble Lord opposed the Government of the noble Duke, and ended by turning out the Government. When the noble Lord felt that his Administration was weak, he did not scruple to uphold the revolutionary language of the Birmingham Political Union. Should he allude to 1846, when the noble Lord turned out the Government on the Irish Life Protection Bill—that, after having supported the first reading of the Bill; and so immediately after the Vote that repealed the Corn Laws in the House of Commons, the same day saw the House of Lords repeal the Corn Laws, and the Minister who had carried that measure turned out of office! And now, in 1852, the noble Lord appeared to forget the fact that the Earl of Derby did not turn him out. Why, the blow came from a Liberal hand; it was his candid Friend sitting behind—

> "'T was thine own friend who gave the final blow,
> And helped to plant the wound that laid thee low."

He thought, therefore, that he was justified in saying that the noble Lord's conduct in opposition might be expressed by the word "faction." There was now a third party, of whom he would speak with all that respect which he owed to those who, at the cost of great personal sacrifice, had adhered to their opinions, with whom he had the honour of acting, but from whom he was now compelled to differ; but he would ask what practical good could they achieve in the negative position they now filled? He would ask them whether the highest political principles were not involved in the existence of party, whether, therefore, it were not well now to join the Conservative party in opposition to that combination which the right hon. Gentleman the Secretary for the Home Department so truly characterised as destructive? Such were the parties, and, as he commenced by stating, although they were all opposed to the noble Lord while he was in office, they were now coalesced against the Earl of Derby: but how different was the tone of a noble Lord in another place! There was the voice of Jacob, here was the hand of Esau—there the noble Lord pledged himself against all factious opposition, and even expressed his regret that the late Government had remained so long in office. And it was because he (Mr. B. Cochrane) felt that the opposition with which they were now menaced was unjust, ill-advised, unpatriotic, because he felt that the present Administration was anxiously labouring to fulfil its great obligations, that he now gave his humble, but hearty and cordial, support to Her Majesty's Government.

VISCOUNT PALMERSTON: Sir, I am

anxious, before the present debate concludes, to state very shortly, and in a few words, the view which I, as an individual Member of this House, take of the present position of the Government, and the duty which I think lies upon this House to perform. Sir, the right hon. Gentlemen who have spoken from the Treasury benches have disclaimed any wish to appeal to the forbearance of the House. I am willing upon my part, and the House is willing, to show them all that forbearance which their present position entitles them to. Sir, their position is perfectly anomalous, and in principle perfectly unconstitutional. It is an accident, and therefore no blame attaches to them. But they are a minority proposing and intending to carry on the business of the country in a House of Commons in which they form a minority. It is perfectly obvious that state of things could not, under ordinary circumstances, last any period of time whatever. The course which a Government under these circumstances ought to pursue would be either to dissolve Parliament and appeal to the country, or to resign their offices and allow the majority to govern. They have recently been called to power by the resignation of those who form a majority in this House. A resignation would, therefore, be inconsistent with the decision they came to when they undertook to form a Government. Now a dissolution of Parliament is at the present moment, from the state of the business of the House, obviously an impossibility. The House ought, therefore, to give them their forbearance until they shall have so far conducted the necessary business of the country as to enable them to dissolve Parliament and appeal to the country. They have stated some measures which they think of urgent importance. I entirely agree with the right hon. Member for the University of Oxford, that one or two are of urgent importance, which they ought to be permitted to carry to a completion. Undoubtedly the measures which the Government propose to introduce for the internal defences of the country are most necessary, and particularly necessary if a dissolution takes place; the very fact of a dissolution being in prospect renders it more incumbent on them to carry through this measure. Well then, there is the Chancery Bill; the prospect of a Chancery suit is not very encouraging to those who think an early dissolution desirable. But I say the House ought to show forbearance to Her Majesty's Government until they shall have disposed of the necessary business of the country, so that a dissolution can take place. I think, however, that Her Majesty's Government, upon every principle of good faith to the country, on every principle of regard to their own consistency, and for the principles they have maintained, are bound to take an early opportunity of appealing to the country on the great principles of their commercial policy. And having taken the sense of the country it will be their duty to call Parliament together at an early period, so that there may be no delay in the next Parliament coming to a final decision on this most important subject. It would be most unfortunate to the country, most unfortunate for the many important commercial and agricultural interests involved, if this question was allowed to remain hung up in suspense until the ordinary meeting of Parliament in the commencement of the ensuing year. And therefore it seems to me that the Government ought not only to take the earliest opportunity of dissolving Parliament, but that there should be a clear understanding between the Government and the House, that as soon as in the regular course of things it could be accomplished, Parliament should be assembled to take these questions into consideration. Sir, as to the result of a general election I cannot entertain the smallest doubt, because I am convinced that the great mass of the intelligence of the country has long ago made up its mind upon this question, which is now disputed by Gentlemen opposite. It might no doubt be a matter of grave argument at the time when the sliding scale existed, whether a compromise might not have been made which might have lasted a great many years, and perfectly satisfied all classes of the community. But it is quite a different thing when the question has been settled and decided six years ago. When the feeling of the community has been adapted to the present state of things, it is quite a different matter to say that policy should be reversed, and that a duty should be now placed upon the food of the bulk of the community. I think that a grave and earnest proposal on the part of Her Majesty's Government to re-impose a duty upon the importation of corn, even though it did not succeed—and I am sure it never could succeed—would nevertheless array the feelings of the bulk of the poorer classes of this country against the superior orders in a manner that would be extremely injurious to that harmony and good feeling which ought, I think, to prevail between all classes of the people in this land. I am satisfied that nothing could be more detrimental to the real and true interests of the upper classes of the country than to inculcate the belief that they wished to raise the price of the food of the poor for the purpose of adding somewhat to the income of the rich. Sir, then, the view which I entertain shortly of the state of things is this, that the House of Commons ought to assist the Government to carry through such measures as may be necessary preliminary to a dissolution, and that the Government ought to allow Parliament to be dissolved as soon as the state of public business will admit of their doing so, and that as soon as the elections are over, again to assemble Parliament, in order to submit to the decision of the new House of Commons those controverted questions of commercial policy upon which they are now at variance with the present majority.

MR. GRANTLEY BERKELEY said, the noble Lord who had just resumed his seat had spoken of the majority in that House. Would the noble Lord tell him where that majority was to be found? It certainly did not exist under the Ministry of the noble Lord (Lord John Russell), for he had just vacated the Government for want of a majority; and assuredly not with the right hon. Baronet the Member for Ripon (Sir J. Graham). Neither did it exist with the hon. Member for the West Riding of Yorkshire (Mr. Cobden). It was only to be found, therefore, in some combination of men of very extraordinary and conflicting opinions upon other political questions. Of these undoubtedly a majority might be found, which, by a factious course of proceeding, might be able to upset any proposal. He denied, as he always had done, that under free trade the employment of labour had increased. In his own county (Gloucester) the increase of machinery had, on the contrary, diminished the number of hands employed; and, so far from there being a larger demand for farms, as had been alleged by an hon. Member opposite, he could take upon himself to assert that property was greatly deteriorated in every part of the United Kingdom, and particularly in Ireland. The same hon. Member had alluded to the West Indian proprietors, and said that all they wanted was a restoration of slavery; but he (Mr. G. Berkeley) contended that they wanted nothing but the abolition of the import of slave produce into this country. He trusted that the present Government would have a fair chance; that there would not be any factious opposition, and that, at all events, a fair trial would be given to those who were placed in their present position simply because the late Ministry could no longer maintain theirs.

MR. MILNER GIBSON said, the question before the House was evidently that of urging on the Government the propriety of a speedy dissolution of Parliament, and the impressing on them the necessity of an immediate appeal to the constituencies for the verdict which they desired to obtain on the commercial policy of the country. But if he understood the right hon. Gentlemen on the Treasury bench who had spoken that evening, they chalked out enough of business to keep the House together till July or August. That was not a speedy dissolution. What he called a speedy dissolution was a dissolution in two or three weeks after the Government had obtained some necessary votes, and passed the Mutiny Bill. If they were to enter upon the Militia Bill, he was afraid it would lead to a protracted opposition; and as they now had done thirty-seven years without it, he did not think they would undertake a very great risk by going six weeks longer without one. If they waited to get through the private business, they would have to wait till July. But that would not be necessary, for resolutions might be passed in the new Parliament, authorising parties to take up Bills at the stages at which they were left when the dissolution took place. The expense that would arise to individuals from a dissolution would be thus obviated. There was a precedent for this in the course followed when the Parliament was dissolved in 1831. If they were to be charged with faction for asking questions of the new Government as to their future intentions, it was the most extraordinary definition of faction he ever heard. In fact, he never clearly understood what the word "faction" meant. It never could mean Members of Parliament putting questions to a new Government as to their policy previous to granting them a supply of money. Could there be a duty more imperative upon that House, a more legitimate duty, than, when the Crown had exercised its prerogative in selecting new servants, that the House should step in and ascertain whether they were entitled to the confidence of the country? He, for one, should be sorry to vote a want of confidence in the Government; but then it was incumbest on them to declare their policy. Why, then, were they to be charged with faction for pursuing so legitimate a course? The right hon. Gentleman the Home Secretary said that he did not intend to reverse the free-trade policy, but only to modify and to alter the Corn Laws. Now the precedent of 1841 was alluded to by the right hon. Gentleman. Let him, however, remind the right hon. Gentleman of a part of that precedent of 1841. When the Government of that day announced their intention in the Parliament in which a vote of want of confidence had been moved, of proposing in a new Parliament a scheme for relaxing the corn laws—when this announcement was made, the then head of the Opposition informed the Government that it was their duty to lay their measure before the country, in order that such important interests might not be left in uncertainty and in doubt. The Government of that day were pressed by the Opposition, supported by the hon. Gentlemen who now sat opposite, to state their measure, and then appeal to the country. In like manner he would maintain that if it was the intention of the Government to modify and alter the settlement of the Corn Law question, in the sense of making it more restrictive, it was their duty, on their own showing, to lose no time in submitting their measures before appealing to the country. At that advanced hour it would not be becoming in him (Mr. M. Gibson) to add anything to the able statement of the right hon. Baronet the Member for Ripon (Sir J. Graham). But with regard to the insinuations as to combination and alliances advanced by the right hon. Secretary for the Home Department, in the sense which had been described by an eminent writer as a sort of "hobgoblin argument," that these meetings which had been held had other objects in view than those openly stated, he could assure the right hon. Gentleman that he was very much mistaken. The object of those Gentlemen who attended these meetings was not one of party politics, not to organise political alliances to change the Government, or to effect political arrangements in this country, but it was to save the country from the great evil of allowing the policy of free trade to be jeopardised, and to combine as many Gentlemen as possible (let their general politics be what they might), to prevent a policy which was so beneficial to the country from being reversed. Before he sat down he should wish to caution hon. Members connected with the rural districts not to practise again on the credulity of the tenant-farmers. He would advise them not to hold out themselves as the friends of the farmer; because they might rest assured that although in a new Parliament they might make some effort to show that their course had been honourable, and that they had been consistent in their conduct, they nevertheless would fail in their attempt to reimpose a duty on corn. And if they continued to hold out hopes to the farmers which they were unable to fulfil, he would tell them that they were not acting the part of friendship to the farmers, and they would be doing all that in them lay to arrest the progress of agricultural improvement, and be militating much against the interests of the occupying tenantry of England.

Sir JOHN TYRELL said, he must congratulate the noble Lord opposite (Lord John Russell) on the great unanimity which prevailed amongst those Gentlemen who sat behind him. The right hon. Gentleman the Member for Ripon had delivered himself of a lecture to the agricultural Members of that House as to the course they should pursue; but he would ask the right hon. Gentleman whether he would take the sense of the county of Cumberland upon the principles he had advocated? When he recollected that it was only a short time ago that the noble Lord committed the mistake of dismissing the ablest of his Colleagues in the Government, and that the House and her Majesty's Ministers were placed in their present position by reason of the noble Lord having dissolved his own Cabinet for want of the necessary amount of support in that House, he owned that the combination which he witnessed that night struck him as one of the most extraordinary that had ever occurred in the history of parties. It was too evident that there were combinations amongst them for the purpose of securing to one party the power of governing the affairs of the country. But it was not to be supposed that old hacks in office were the only men fit to carry on the Government. He charged the noble Lord and the Members of the late Government with having availed themselves of the influence of the resuscitated League for this purpose, and with having used every mode of exciting the country, more especially by their speeches that evening. But they had failed, and, what was more, although the party opposite might have a majority in the House, the good sense of the people of this country would give Her Majesty's Ministers a fair trial, and not suffer the Government to be displaced by any such singular combinations as that which lately assembled in Chesham Place.

MR. OSWALD said, he was much disappointed by the speech of the hon. Member for North Essex. From a plain English country Gentleman he should have expected to hear something that they could understand. But it was now quite evident that he was a Disraelite indeed. He was astonished that no Member of the Government had got up after the addresses of the right hon. Member for the University of Oxford (Mr. Gladstone), and of the noble Lord the Member for Tiverton (Viscount Palmerston)—both of whom strongly put before the House the necessity for a dissolution at the speediest possible period—to state that they would at once go to the country. They should not attempt to palter with the country as they did with their own followers, and leave England for an indefinite time in a state of suspense upon this all-important matter. Some Member of the Government should have arisen and told the House whether the Government dared to appeal to the people upon this one question—for there was but one question before the country, namely, whether we should tax bread for the purpose of putting money in the landlord's pocket. ["Oh, oh!"] That was the only question to be decided. They might try to lead the country away by other cries, and some of them would do it; but that was really the only question which the country demanded should be decided at the present time; and if experience, wisdom, and eloquence could do it, the House must now be impressed with the great necessity that existed for a speedy solution of the question. That was the truth. There was hesitation as yet in proposing this; and in the meantime let the occupants of the Treasury benches prepare themselves for the murmurs of their supporters. Those right hon. Gentlemen would richly deserve the punishment in store for them. They had themselves made use of every epithet of contumely against one who was now no more, and against all who had acted with that great man. The word "traitor" had been frequently heard; and he (Mr. Oswald) had himself been called a "renegade." Did they think that gentlemen of honour could forget easily such insults? He (Mr. Oswald) forgave them from his heart. But it required every Christian forbearance not in some degree to rejoice that on that Treasury bench were now sitting the men to whom the very same terms would in turn be applied. He had sat in silence on this subject for many a long year. But the hour had now come, and, perhaps, the man—perhaps the Friend of him whom the country lamented, to whom in every great mart of commerce statues were being raised; this Friend might now avenge the manes that had called for vengeance too long. [*Laughter.*] Aye, there was now laughter, but they would not laugh when they were on the hustings. Every cottage home in England now held a family with bread enough and to spare; and how much had the landlords sacrificed to produce that result? How much suffering had they gone through? He (Mr. Oswald) was a landed proprietor; and if they in Scotland had got over the late crisis, the greatness of which all must admit, he did not see why the gentlemen of England should not do so too. There was, indeed, much apathy and much bad farming in some places; but a reimposition of bad laws would only tend to make the bad farming worse. As to the condition of the landowners, he believed their rentals had been increasing at the very time when they were most clamorous for this protection—at the time they wished to take the bread from the poor man's mouth. ["Oh, oh!"] They might not like to hear the truth told; but that was the truth, however unpalatable it might be. In conclusion, he should recommend the Government to take the earliest opportunity of appealing to the people upon this most important question.

MR. NEWDEGATE said, that as an individual member of the party with which the present Government were connected, he was tired of this talking of forbearance, and of the ostentatious but hollow display of forbearance, made by hon. and right hon. Gentlemen opposite. Heaven defend them from the Christian forbearance of the hon. Member for Ayrshire, who had risen the picture of suppressed wrath, and made a speech, the venom of which was only mitigated by his awkwardness of expression! He (Mr. Newdegate) would ask why, if Gentlemen opposite were in such haste for a dissolution, they did not, being a majority, exercise their power? They seemed to have a lingering apprehension that the present Government might propose and pass measures which would gain the approbation of the country; it was possible, that, aided by the high legal attainments of Members the Government, under the auspices of the present Lord Chancellor, their law measures might contrast favourably with those of the former Government; that, with Lord Hardinge at the Ordnance, the organisation proposed for the militia might be superior to the crude proposal of the late Government. But the fact was this—the noble Lord the Member for the City of London, after the declaration he had made on quitting office, that a dissolution before the passing of the Mutiny Bill, and measures for supplying the national establishments, would be unjustifiable, dare not, if he would retain the character of a loyal subject, force a dissolution; and that no right hon. Gentleman would risk his character by forcing a dissolution before provision had been made for the security and necessary establishments of the country. In fact, what had occurred that evening and on Friday last in the House, was but a phase of agitation. Strange allusions had been made to the prospect of a change in the present commercial policy, and to the effect which any attempt to alter or modify that policy would, in the opinion of hon. and right hon. Gentlemen, produce. The right hon. Baronet (Sir J. Graham) had adverted to Lord Derby's statement that he sought to reconcile classes between which there were differences, and to promote peace and good-will among Her Majesty's subjects; but passing straightway to his own theme, laboured to sow discord among the various classes of the community. In 1842 he (Mr. Newdegate), as a magistrate, collected evidence implicating members of the Anti-Corn-Law League, as instigators of the disturbances of that year; which evidence was forwarded to the right hon. Baronet as Home Secretary, but was never heard of again. Last year, that right hon. Baronet threatened that, if the commercial measures of the Government with which he had been connected, were altered or modified, the loyalty of the Army would be doubtful; and now, the right hon. Gentleman had announced he was prepared to use "any means" to prevent those measures being revised. His previous conduct and declarations gave that expression "any means" a very wide interpretation.

Mr. Newdegate

Hon. Members connected with the party now in power desired no violent measures; they calmly and in an honest spirit sought justice for all the great producing interests. The party now in power had, by their conduct during the last six years, proved that protection by the imposition of duties upon corn was not the only object of the policy to which they were attached. They had proved themselves protectionists of the interests of the poor. ["Oh, oh!"] Would hon. Gentlemen deny that the members of this party had formed the bulk of the majority which had carried Mr. Etwall's Motion, and Mr. Christie's Amendment, for the inquiry into the abuses which had taken place in the Andover Union, the result of which was the revision of the New Poor Law. No one could deny that they had carried that Motion against the right hon. Member for Ripon, when Secretary of State for the Home Department. The party now in power had proved themselves Protectionists of the labour of young people employed in factories, for members of that party had supplied by far the greater part of the majority which carried the Ten Hours' Act. They had proved themselves Protectionists of the Christian character of the State—that Christian character which constituted the guarantee given by the State to the people of this country, that the laws enacted by Parliament, and the administration of them, should be based upon the morality of the Gospel, while it secured for the laws thus passed the sanction of religion. The party with whom he had the honour to be connected, had, moreover, proved themselves Protectionists of the Protestant character of the constitution, and of the national independence; they had for years defended the laws which guard the Protestantism of the Constitution against the assaults of hon. Gentlemen opposite; for years they had defended those laws, before many of their quondam opponents had become aware of the reality of the danger which threatened the Constitution, and consented to extend and declare those laws by the Ecclesiastical Titles Act of last Session. The party of the Government had proved themselves Protectionists, not of agriculture only, for they had acted on the principle so eloquently stated by that noble Lord whose statue now stands in Cavendish-square, that it is the duty of the Legislature and Government of this great country to promote, encourage, and protect British industry and British capital where-ever it may be found—at home, on the ocean, or in the colonies. Such were the principles upon which the party now in power were combined, and it was owing to their combination on those principles that the party possessed the compactness and the strength which had rendered their accession to office inevitable. Such were the principles of the party from which the present Government were formed. If hon. Members desired a dissolution, let them use their power as a majority of that House—they would do it on their own responsibility. But he warned them that they would not be permitted to appeal to the country on the narrow issue to which they desired to reduce the question—whether a *5s.* duty upon corn should or should not be levied. The right hon. Gentleman the Member for Ripon was always talking of his being a landowner and a country gentleman, and had said that the abolition of the corn laws had not caused a reduction of his rents; he (Mr. Newdegate) declared, as a country gentleman, he would be ashamed to receive the same rents now as before the corn laws were repealed. The right hon. Baronet alluded to the fact that the Duke of Buccleuch had at first agreed with the Earl of Derby in refusing his sanction to the measures of 1846, but subsequently yielded; and then the right hon. Gentleman said free trade was advantageous because it had not injured the Duke of Buccleuch. But there was another question—had it injured the Duke of Buccleuch's tenantry? Had it benefited the ploughman, the carter, and the labourer? He had been in the south of Scotland last autumn, where lie some of the princely domains of that noble Duke, and he believed that the condition of the labouring population there was anything but satisfactory. Able and well-informed farmers had there told him that they were poor, and that their best labourers were emigrating to the United States. Again, the right hon. Baronet the Member for Ripon had declared, and sought to prove, that this country had not become more dependent upon foreigners for food, because he would have it believed, that the production of food within this country was not contracted, but had increased under free trade. If he had chosen to examine the accounts returned in the *Gazette* office, he would find that in the 290 principal markets of England and Wales, from which returns were furnished by inspectors, the quantity of corn sold in 1851 was less than that sold in 1845, by 2,000,000 quarters. In 1845, the exports of wheat from Ireland to England were 776,000 quarters; last year they very little exceeded 100,000 quarters. From Scotland there were no returns. But, so far back as 1849, 150,000 acres less of wheat were grown in Ireland than in 1845. He (Mr. Newdegate) could not forget that the right hon. Baronet had urged upon his own tenants within this year the necessity for their abandoning the cultivation of wheat, and substituting that of flax. If, therefore, the advice of the right hon. Gentleman was followed, the diminution of the growth of bread corn in the United Kingdom, lamentable as it was, would be progressive. He (Mr. Newdegate) almost fancied he was in a dream, when he heard the right hon. Gentleman boasting of universal prosperity. He must have forgotten the fact stated by the right hon. Gentleman the President of the Board of Trade recently at Oxford, namely, that the capital assessed under Schedule D of the Income Tax, had diminished by 14,000,000*l.* since 1845. The losses of our merchants last year were exceedingly heavy, as was attested by the lengthened list of bankruptcies and insolvencies. If hon. Gentlemen opposite desired an immediate dissolution so earnestly, they might force the Government to it; but upon their heads let the responsibility of such a course rest. Whenever a dissolution came, he had no fear as to the result. He believed it would result in a great accession of strength to the party of which he was a member; and he further believed that the present policy would not be suffered to continue unmodified.

Sir ALEXANDER COCKBURN said, that he did not think it necessary at that late hour to follow the hon. Member into all the various topics to which he had referred in connexion with protection and free trade. The whole of the present debate, as he understood it, was to elicit from Her Majesty's Government the policy as regarded the trade and commerce of the country upon which they intended to conduct the business of the country. It had been said that there was no occasion for any question to be put to them with respect to that policy, inasmuch as that policy was evident from what had fallen from the noble Earl at the head of the Government in another place. The difficulty he admitted did not rest upon the language of the noble Earl; but from the fact of the language of his supporters being so completely at variance with the opinion which the noble Earl then expressed. Inasmuch as an appeal was to be made to the people, and the feeling of the House was such as to render a dissolution inevitable, it was desirable (to use an expression of the right hon. the Chancellor of the Exchequer) that the country should have fair play, and understand the question at issue. The right hon. Gentleman had given a very unsatisfactory solution to the question put by the hon. Member for Wolverhampton (Mr. C. Villiers) which was very simple and specific—"Do you, in that Parliament which will soon be summoned, intend to propose the imposition of any duty on the food of the people?" The right hon. Gentleman promised to deal frankly with the question, and the expectation of every one was raised to the highest pitch; but after a great deal of circumlocution and many promises of candour, the right hon. Gentleman said the Government would not consider themselves bound in the next Session of Parliament to propose any measure for the imposition of a duty on corn. What was the meaning of that answer? Did it mean that the Government would do so or not? He thought the solution of the question was to be found in the language held out of doors by other Members of the Government, because on the hustings hon. Members had not scrupled to tell their constituents that upon the result of the next election would depend their determination to impose a protecting duty. He would ask the Government, therefore, did they mean to bring forward the question of protection, of the imposition of a duty on corn, if the result should be the return of a majority in their favour, and that they would abstain from doing so if the result should be adverse? If that was the solution of the ambiguous, unsatisfactory, uncandid answer of the right hon. Gentleman, the Government were placing themselves in a most humiliating and degrading position. [*Laughter.*] Hon. Gentlemen might laugh, but he apprehended that the Government which had no policy except that of subserviency to a majority, for the purpose of maintaining office, was in a humiliating and degrading position. Having pledged themselves firmly to protection, he wished to know if they intended to leave that question contingent on the result of the next election. There was no disposition to a factious or ungenerous opposition on the part of that (the Opposition) side of the House; but on a question of this importance it was only fair and reasonable they should tell the country the policy they meant to propose; for was it not idle to pretend they would take the sense of the country if they did not tell the country the question really at issue. The right hon. Gentleman the Secretary for the Home Department said they were not prepared to reverse the free-trade policy, but would propose a modification of that policy. Now, he again asked, what was the meaning of the Government? and whether the modification of the right hon. Gentleman meant the imposition of duties and taxes upon the food of the people. It was essential that the people should understand that there was a policy by which the Government meant to stand or fall, or whether they merely proposed to stand the chances of the next election on the principle of "Heads, I win; Tails, you lose." He had always understood that their desire for power was ennobled by the desire to carry out great measures and a great principle. He should deeply regret to see a Government, though composed of political opponents, abandon so broad a basis, and make principles merely subservient to place.

MR. BOOKER said, he could not understand why the hon. and learned Gentleman (Sir A. Cockburn), had, at that late and tranquil hour of the night, and in his learned leisure, wasted such an amount of virtuous indignation on hon. Gentlemen seated at the Ministerial side of the House. He seemed to mistake his position, and to think that he had a Chancellor of the Exchequer under cross-examination. Formerly it used to be said that the opposition offered to free trade was factious, inasmuch as free trade was a great experiment, and should have a patient trial. It was said only a few weeks ago that protection was dead, and would never rise again; but it was quite clear, from the fearful agitation of hon. Gentlemen opposite, and from the combination of the most heterogeneous parties, that it had not only risen again, but was in full vigour. He had heard with astonishment the right hon. Baronet the Member for Ripon dilate upon the measures of free trade, and the results of those measures. If the effects of free trade were so apparent, how was it that while the industry and labour of the people had been stimulated to an excess unparalleled—that while our exports and imports had nearly doubled, yet that the test of the nation's prosperity, the income tax, did not exceed last year what it amounted to the first year it was imposed as a national burden? He was also astonished to hear the right hon. Baronet say that a duty of 5*s*. on corn would not be productive of such and such an amount. Why, it was the boast of free trade that it had during the last five years been the means of bringing into consumption upwards of 50,000,000 quarters of corn, and it was well known from the public returns that the diminution of agricultural produce in Ireland had amounted to the extent of nearly 10,000,000 quarters a year. He utterly denied that the import of 50,000,000 quarters a year had added to the wealth, comfort, or happiness of the people. It had been merely a substitution, or rather annihilation of our own produce, inflicting ruin upon the sister kingdom, which would shortly overtake ourselves. Such a system was a system of hollowness and hypocrisy to which he would not be a party; on the contrary, he would lend his aid to modify it in the first place, and felt certain that it must ultimately be reversed. The son and successor of the late Henry Grattan (Mr. Grattan), had, in an address on the 8th February last, said—

"Tinnehinch, Feb. 28, 1852.

"Gentlemen—On my return from your assizes, it occurred to me that it might be useful to address a few lines to you, and I take this liberty, having been so long one of your representatives.

"I need not tell you how important is the present crisis, and how it becomes us all who have an interest in land, in our farmers, in our country, now to make a struggle, and to insist from a Protectionist Ministry for duties on foreign productions and foreign competition. We should not ask this were we fighting a fair fight, but it is not so. Protection, as it is called, has not been removed, or done away; it has been transferred from us who fight the battles and pay the taxes for the support of our free institutions, to those who do neither; who have little taxes and no freedom; or, I should rather say, to those who fight the battle against us and our free institutions, and against whom we are at this moment engaged in arming rifle corps and militia. We have enriched our enemy, we have impoverished our country, and we are now being taxed for our own defence. Ireland has been depopulated, her houses levelled, her farmers bankrupt, her estates in Incumbered Courts, her exports reduced to little as well as her circulation. The Celt will soon be known only by name; sheep and cattle now take the place of the people, and the stranger with capital and large farms. To such a system has the law of free trade driven the landed proprietor of Ireland, he cannot keep the people and get rent. I do believe that in the last few years, such desolation as has occurred in Ireland is unparalleled in history, and yet the rents of land are lower than in any country between this and Naples; and you may depend upon it, that, when the cultivation of wheat shall have been abandoned in Ireland, and it is already greatly diminished, and all the capital and labour spent in that cultivation lost and absorbed, you will then have the big loaf as small as ever. With such prospects, it behoves all Irishmen to be up and doing.

'Lives there a man with soul so dead,
Who never to himself hath said—
This is my own, my native land?'

"Gentlemen, in this state, and with such prospects, should you not find Members to act for you, I, for one, if called on, am ready again to come forward, and to aid in averting, so far as in me lies, the provincial degradation into which my country is fast sinking.—I have the honour to be, yours,

"J. GRATTAN."

He (Mr. Booker) threw these matters out for the consideration of hon. Gentlemen from Ireland, who he hoped would act on them. Though representing an agricultural constituency, he was also engaged in commercial affairs, and between both pursuits perhaps some 4,000 or 5,000 were dependent on him; therefore, he felt himself in a position to give as correct an opinion as to the effects of free trade as any hon. Gentleman present. He asked for the Government what he should give them himself—fair play. He thought it was their duty, as soon as the public business would allow, to appeal to the sense of the country on this subject. They had stated that by the result of their appeal their future policy would be guided, and he did not think it becoming in an ex-Attorney General to seek to pin them down to give an answer, aye or no, to the questions that that learned Gentleman had propounded to them.

Question put, and *agreed to*,

House in Committee of Supply.

(1) 39,000 Seamen, and Naval Reserve of 5,000 Men.

MR. HUME objected to going on with any other vote after midnight.

The CHANCELLOR OF THE EXCHEQUER hoped the hon. Gentleman would allow one vote to be taken. He feared the hon. Gentleman had misunderstood the character of the debate of that evening, for he thought there was great anxiety expressed to advance all necessary measures. They would never reach the Mutiny Act unless they got on; and he hoped at least one vote would be taken.

MR. W. WILLIAMS said, that if this vote were allowed, the whole of the Naval Estimates would be taken.

MR. HUME said, that it had been agreed that no vote should be taken after twelve o'clock if it was objected to. He should be sorry if the right hon. Gentleman the

Chancellor of the Exchequer began wrongly at the very first.

The CHANCELLOR OF THE EXCHEQUER would not press a vote against any rule that had been made; but this was an exception which proved the rule, and the circumstances under which it was proposed were peculiar.

LORD JOHN RUSSELL said, he would agree to the vote being taken. He had never concurred in the opinion of his hon. Friend (Mr. Hume), that no vote should be taken after midnight. If there was any objection to the number of 39,000 men, the House would no doubt be ready to hear it. Another reason for agreeing to the vote, was, that the right hon. Gentleman the Chancellor of the Exchequer had that night heard the opinions of many Members, with respect to the expediency of the Government advising a dissolution of Parliament, after the necessary business had been gone through, without the House being called on to take into consideration any of the other measures which the Government had stated they were about to bring forward. Perhaps, before Friday, the next day for going into Committee of Supply, the Government would reconsider their course, and concur in the wish which had been expressed in the debate of that night. He should be sorry to give a vote adverse to the Government in Committee of Supply, if they merely went on with Supply, without entering on measures with a view to a protracted Session.

The CHANCELLOR OF THE EXCHEQUER said, the noble Lord only did him justice in believing that it was his duty and his pleasure to listen to the sentiments of the House, and to defer to its predominant feeling; but he was sure the noble Lord would not ask to come on the sudden to a decision on this point. He had watched with much attention the proceedings of the evening; but when the noble Lord said that all the Government was required to do was to pass the proper measures necessary for the service of the country, he must remind him that on that evening there was a very important difference between two of the most eminent supporters of the noble Lord with regard to what measures were necessary. The noble Lord the Member for Tiverton (Viscount Palmerston), who had given a very guarded encouragement to the Government, had most unequivocally declared the imminent necessity of a measure for the establishment of the Militia. Immediately after one of the most distinguished members of the resuscitated Anti-Corn-Law League rose in his place and denied that there was any necessity for such a measure. While he (the Chancellor of the Exchequer) was always ready to consult the predominant feeling of the House, and to defer to the general sentiments of its Members, he thought that as there was to be an interval before this subject was to be brought forward again, it would be extremely desirable for the noble Lord to summon his supporters again, and get them to agree as to what measures they deemed to be necessary. Before the noble Lord lectured him, and stated that he would support Votes of Supply, but not measures which would waste time—among others, such an important measure as the establishing of the Militia, which the noble Lord the Member for Tiverton said was most necessary—it would perhaps be expedient for the noble Lord to come to an understanding with his friends as to what measures were not necessary to be passed, before an appeal was made to the country.

LORD JOHN RUSSELL had not said that he should oppose all measures that were brought forward which would waste time, but that he would agree to Votes of Supply, but not to other measures which might be brought forward, and which would lengthen the Session, and, although useful were not necessary.

MR. HUME said, he wished to have an opportunity of remarking on the distribution of this very force, and to show that if it was properly distributed there would be no necessity for any additional force—but he had no objection to go on.

MR. W. WILLIAMS did not object to the number of men, but he objected to taking a vote after twelve o'clock.

Vote *agreed to;* as were also,

(2) 1,449,054*l.*, Wages to ditto.

(3) 506,578*l.*, Victuals to ditto.

Resolutions to be reported.

House resumed.

House adjourned at One o'clock.

HOUSE OF LORDS,

Tuesday, March 16, 1852.

MINUTES.] PUBLIC BILL.—3ª County Courts Further Extension.

COUNTY COURTS FURTHER EXTENSION BILL.

Bill read 3ª (according to Order); Amendments made. Bill *passed.*

LORD BROUGHAM said, that he could not help congratulating the House upon the passing of the Bill. He by no means intended to say that further improvements were not necessary; but if the present measure should receive the ultimate sanction of the Legislature, a great benefit would be conferred upon the country. He was happy to observe that his noble and learned Friend on the woolsack viewed the subject in the same light as he did; and he yet trusted that upon further consideration the late Lord Chancellor and the Chief Justice would see grounds for altering their opinions upon some minor matters upon which they were at issue. He was sorry that there was still no provision in the Bill by which a practising barrister should be allowed to go into court uninstructed by an attorney. The prohibition in the Act of 1846 remained unrepealed. Contrary to his own opinion he had at present yielded that point. Differing from those who were opposed to him, he considered that it was a subject which should be left to the etiquette of the profession; and he hoped that his noble and learned Friends would adopt the only course which could be adopted, namely, the removal of the restriction which at present excluded barristers from these courts, thus leaving it to the heads of the profession themselves to settle what should be the etiquette, as it was in every other Court of any description; the County Courts forming the only exception. Of the importance of these Courts, too high an estimate could not be formed. He found, by returns to Parliament, that during the four years from 1846 to 1850, the number of causes which had been brought into the County Courts amounted to 2,400,000, and that 6,000,000*l.* had been the amount of money recovered under their jurisdiction. It was a singular fact that in actions for sums of money from 5*l.* to 50*l.*, in which parties had the option of trial by jury, the proportion submitted to a jury was only 1 in 45. That was a circumstance which had given cause for great reflection in his mind, whether it would not be just and expedient to give to parties in all courts the same option in matters of debt and contract. He by no means intended to extend this option to matters of tort, as where the action lay for injury to person or reputation, but only to cases of debt and contract. For this purpose he had prepared a Bill; but as he knew that some of his noble and learned Friends differed from him in opinion upon this subject, he should take further time to consider it.

LORD BEAUMONT gave due credit to the exertions of the noble Lord, but he regretted the course he had taken, or had been obliged by others to take, in respect to this Bill. They had now three or four Acts of Parliament, besides the Bill before them, for regulating the jurisdiction of County Courts. Most of those Acts amended one another; and he thought that the noble Lord should have aimed rather at consolidating those already in existence, than at adding the numerous, though trifling, Amendments contained in this Bill, which increased the difficulty of collating, without bestowing fresh powers upon these Courts. But the measure of the noble Lord did not aim at consolidation, neither did it bestow any original jurisdiction on the Judges. It was an attempt to facilitate the operations of the Chancery Courts. The Bill of the noble Lord was merely one to enable County Court Judges to do what is already done in the Masters' Offices. The noble Lord had held out to the public the idea that his object was to give to the County Courts original jurisdiction in equity; but the Bill did not confer any such thing. For his part, he regretted extremely that the noble Lord did not persevere with the 23rd Clause, whereby a barrister was allowed to practise uninstructed by an attorney. As long as it was a question merely of etiquette amongst members of the Bar, he (Lord Beaumont) abstained from interfering; but the public were, as the Bill now stood, also interested; they knew what was best for them, and they should, therefore, have been left a full option to employ a barrister with or without the intervention of an attorney. The client was the proper person to judge what was the best for his own interest. He wished to know whether it was the intention of the noble Lord to bring in any further measures having reference to these County Courts?

LORD BROUGHAM, in reply, said that he had postponed his Bill for conferring equitable jurisdiction upon the County Courts, because he understood a Bill dealing with that subject was likely to be the fruit of the labours of a Commission which had bestowed much attention on the subject. He rejoiced to think that this expectation had not been disappointed. The learned Commissioners had reported, recommending a most important change in the whole system of Chancery procedure, and this report was adopted by the present Government. It had been announced in the House of Commons last night that the plan of the Commissioners was to be supported by the Government, with the determination to pass it into a law as speedily as possible. By this he meant the whole plan of the Commissioners. With respect to the consolidation of the County Courts Bills, it would take a very considerable time before that could be effected; but he entirely agreed in the necessity of it, as he had stated the first day of the Session.

NATIONAL EDUCATION (IRELAND).

The MARQUESS of CLANRICARDE asked if Her Majesty's Ministers intend to propose to Parliament any alteration in the present Application of Public Funds for Educational Purposes in Ireland? Those who, at various times, had taken a warm interest in the welfare of Ireland had, he believed, always founded their hopes of effecting a permanent improvement in the state of that country in placing the education of the people of Ireland upon a sound footing. In the year 1832, after a careful investigation of the subject by the authorities, under the supervision of Lord Grey's Government, the system now in operation in Ireland was devised and carried into execution under the immediate direction of the noble Earl (the Earl of Derby) opposite. That system had been adopted after grave deliberation, and after full examination and reflection upon the whole subject, after taking counsel with the hierarchy both of the Established and of the Roman Catholic Churches, and after consultation with the best authorities on the subject, both in Ireland and in this country. The noble Earl (the Earl of Derby) bore great part in the preparation of that system; he certainly had the honour and credit of introducing the measure on the subject to Parliament, and he was sure the noble Earl could not at present, and probably never would, look back to any action of his life with more satisfaction than he might to the introduction of the national system of education in Ireland, whereby that country had been most permanently and materially benefited. The progress which had been made by the system in the popular estimation was very great. In the second year after its establishment there were in operation 785 schools, giving education to 107,000 scholars. The numbers continued to increase yearly—in 1843 the schools amounted to 2,192, educating 353,340 children; and in 1846 those numbers were augmented respectively to 3,600 schools, and 455,415 children. In 1848 the number of children attending those schools had risen to 507,000. In 1849, the extensive emigration had diminished these numbers somewhat; but at the period to which the last report on the subject brings down the account the number of children attending the schools was 511,623; and he had no doubt that at the present moment the number reached a still higher amount. The system, then, was one which ought not to be touched, but rather carefully guarded and preserved by the Government. No better system of Christian education existed in any part of the civilised world. It had the peculiar advantage, too, for Ireland, of being a united system of education, conducted with the greatest care and impartiality; and the books of the society were all of such an excellent character that they were sought after greedily, not only in this country, but on the Continent. Besides the ordinary schools to which he had referred, there were also seventeen model agricultural schools in different parts of Ireland. Such being the case, it was painful to him to have to direct attention to a recent speech of the Attorney General for Ireland on the subject. He did not find fault with any particular passage in the right hon. and learned Gentleman's (Mr. Napier's) speech; it was the general purport and tone of his speech he wished to direct attention to, and the general purport of it undoubtedly was to cast blame upon the present system of national education in Ireland. The hon. and learned Gentleman stated that he had every reason to hope that he would be able to induce Government to change the system. He said that "Lord Derby had told him that he would have an honest inquiry into the management of these schools; and, when he said an honest inquiry, he meant an honest inquiry into the working of the system, to see what deviation had taken place from the original rules, to see whether it was united, and what could be done with it, in order to meet the objections of the clergy." It was the well-considered determination of Lord Grey's Government that the system of national education in Ireland should be a united system; and it was clearly impossible that a separate system could go on at the same time. The

Attorney General for Ireland said that Lord Derby had no objection to an inquiry; but he (the Marquess of Clanricarde (took exceptions to the whole of that right hon. and learned Gentleman's speech, for going forth, as it did, to the people of Ireland upon such high authority, and addressed, as it was, to the highest educational institution in Ireland, it was impossible to imagine that it would not give rise to the impression that Her Majesty's Government was disposed to extend its support to other systems of education besides that which was carried on under the superintendence of the National Board. If their Lordships considered the difficulties with which that system had had to contend, and the violent antagonism by which it had been encountered on all sides, they must be prepared to award the highest degree of praise to the learned and reverend persons who had been placed at the head of the Board, superintended the progress of the system, and done so much to render it successful; and encouragement given to any rival system could not fail to seriously embarass those eminent persons. This was a question which ought not to be in contest at all. He hoped the Government would maintain the present system; but if it were held out that a doubt upon the well-working of that system was entertained by the Government, it must have a very injurious effect throughout the whole country. He thought, therefore, he was doing no bad service to the Government by asking the noble Earl whether it was his intention, or the intention of the Irish Government, to propose to Parliament any alteration in the present application of public funds for educational purposes in Ireland?

The EARL of DERBY: My Lords, I am sure your Lordships and the noble Marquess himself must suppose that if there be any one man in the land who takes a personal interest in the well-working of the national system of education in Ireland, it must be the individual who has now the honour of addressing your Lordships. But I take no further credit to myself than that of having been the Secretary of State for Irish Affairs under the Government which examined into the previous reports of various Commissions, and the several plans which had been propounded by many learned and pains-taking persons, and which came to the conclusion that it was necessary to introduce a new system of combined education in Ireland, and of having had the duty—I might say the good fortune—to be the organ of that Government in framing the original resolutions, and introducing that system into Ireland. My Lords, I have watched with the deepest interest the progressive increase which has taken place in the number of schools and scholars under the system which was then introduced; and undoubtedly I believe that no step which can now be taken would have any effect in weakening the influence and the hold which that system has produced on the minds of the people of Ireland. I believe it has deeply rooted itself in the institutions and in the affections of the people, and that the progress of the system is as certain as that its results have been, on the whole, beneficial. Greatly as the numbers of the schools and the pupils have from time to time increased, I believe also that increase has not been more than commensurate with the improvement in point of the quality of the education which is now given in Ireland under the auspices of the National Board, as compared with the quality of the education which was given in Ireland twenty years ago. And, moreover, I believe that if at this moment all Government assistance were withdrawn from that and every other description of schools in Ireland, still this great and permanent advantage would have arisen from the institution of the national schools—that the people of that country now understand and appreciate what a good education is, as compared with that which was prevalent there twenty or twenty-five years ago, and that they would not be satisfied with an education of an inferior quality to that which, by means of the national system, they now receive. Nor do I think, my Lords, that it would be in the power of any class of persons, however great the influence they may exercise over the population, to support schools of an inferior character, in opposition to those of the superior character administered by the Board; and gladly do I join in the tribute which the noble Marquess has offered to those reverend and earned persons to whose assiduity and exertions the progress of that system owes far more than it does to any assistance which has been given it by the Government. I have spoken of this as a system of education; but at the same time it is impossible that the noble Marquess should not acknowledge, as of course I must acknowledge myself, that in the course of the twenty years which have elapsed since the system was first adopted, various modifications in detail have been introduced, and various alterations made in the minor arrangements of the Board, and even in some matters which may be considered as of primary importance. I have not of late entered minutely into the details of the education given in these schools; but I understand that that which was in the first instance rendered compulsory—namely, the use of Scripture lessons in all the schools—has since from various causes been left a good deal to the discretion of the managers of the different schools, and that, consequently, in many of them where Scripture lessons are not used, there is less Scripture education given in those schools than was contemplated by the plan at the original foundation of the Board. I do not mean to say, that, where these lessons are not used, there is not now given to the great bulk of the Roman Catholic population a far more enlightened and a far more scriptural education than they were receiving, or were likely to receive, if this system had not been adopted. But various modifications have taken place from time to time; and your Lordships are aware that some time ago considerable objections were raised on religious grounds, on the part of the Presbyterian body, who held aloof from the system of education in those schools with quite as much perseverance and determination as, I am sorry to say, a great proportion—though not the whole—of the clergy of the United Church of England and Ireland do at the present moment. Now, my Lords, the absence of this co-operation I feel to be a great evil. I feel that it is a great misfortune that the national system of education was not from the first taken up by the clergy of the Established Church; for sure I am that if it had been so taken up, they would by this time have obtained throughout Ireland a great and important—and not an unworthy—influence over the education of the people, and over the minds, not only of the Protestant but of the Roman Catholic population of that country. But whilst I regret that the Protestant clergy of the Church of England have thus stood aloof, I hesitate not to say that I consider it a matter of the greatest importance that we should ascertain whether or not, without departing from the original system, it may be possible to introduce into that system, as has already been done with regard to the Presbyterian Church, such modifications as may, perhaps, remove the objections of the clergy, and induce the clergy to co-operate in promoting the system to a greater extent than they have hitherto done. Of late I have not had much time to read the newspapers; and I hope my right hon. and learned Friend the Attorney General for Ireland, if he becomes acquainted with what is taking place here now, will not imagine that I treat him with any disrespect if I frankly avow that I have not read that speech of his to which the noble Marquess has alluded; but this I know, because I have had communication with him on this subject—I know his straightforward and candid disposition and character too well not to be quite sure that he would not make any statement on my part, in which he was not entirely borne out by the language I had held to him. I see on the opposite side of the House the noble Earl the late Lord Lieutenant of Ireland, and I think he can bear me witness that some two years ago I expressed to him my opinion that the time would come when it would be most expedient that a Parliamentary Committee should be appointed for the purpose of examining into the practical working of the system of national education in Ireland, and that I thought such an investigation, calmly, deliberately, and fairly conducted, would tend to remove much of the misapprehension and misconception on both sides, and might lead to such modifications as would obtain for the system a more united support. I stated at the same time also, that I was strongly disposed to submit that question to your Lordships' consideration, and to move for a Committee to inquire into the working of this system. And there is one point which it is exceedingly desirable should be cleared up, and upon which the noble Marquess has laid considerable stress—namely, how far this system, as it at present exists, is practically a system of combined education. It is a great object now to bring up the youth of Ireland in constant and familiar intercourse with those of different religious persuasions to themselves, and rather to teach them how much of common truth there is in which they might all agree, than to inculcate upon their minds those peculiar points upon which they may happen to differ from one another. But how far the national system is a system of combined education—how far it includes within the limits of its operation Protestants of the Established Church, Presbyterians, and Roman Catholics, and is yet in its details a system which in each particular school is an exclusive system, not of necessity by the rule, but practically according to the results—how far Presbyterian schools, acting on their own principles, and complying with the rules of the Board, are yet practically and exclusively confined to Presbyterians—and how far, in the south and west of Ireland, where the great bulk of the population are Roman Catholics, the vast majority of the schools are essentially, and all but exclusively, Roman Catholic, under the management of Roman Catholic patrons and Roman Catholic schoolmasters—and if they are, the great majority of the pupils being Roman Catholics, I do not complain; on the contrary, I think it is quite right that these schools should be under the management of Roman Catholic schoolmasters. I complain of none of those things; but, when we want to look at the working of the system, and the possibility of effecting modifications, I think it is important that we should know, by the inquiries of a Committee, how far the system in all these respects deserves to be called that which it was intended to be, and which it is certainly desirable that it should be, a system practically of combined and united education. These questions are, I think, worthy of inquiry by a Committee, and for that purpose I am of opinion it is very desirable that a Committee should be appointed. I think also that, as a part of their labour, that Committee might fairly and properly enter upon an investigation of any possible modifications of the existing rules, which might remove any portion of the objections which are now raised against the system. And if the result of their inquiries should be, that we found that in the great majority of the schools that which was intended to be a combined system, is practically and in reality an exclusive system—if there be Presbyterian schools here, and Roman Catholic schools there; and if the rules of the Board are such as to render it impossible for a portion of the community to attend those schools, and, in fact, practically to exclude them, I hope it will not be regarded as a thing which would derogate from or diminish the influence of the existing system if we enter upon a calm inquiry how far, under the superintendence of the Board, assistance might not in a certain degree be given even to schools which do not strictly come within the letter of the law laid down by the Board. I do not shrink from the consequence to which the noble Marquess has adverted, that schools which, through the conscientious scruples of those who lead the population, are now excluded from the advantage of coming under the direct superintendence and control of the Board, would then be admitted to the advantages which are undoubtedly to be derived from the assistance of the Board, without sacrificing their principles, I say, my Lords, I do not see that we should in the slightest respect be violating the principles upon which that Board was originally founded, if, adopting an example which was set us in this country in the first instance, we consented to afford some, perhaps a minor, degree of assistance to schools, be they Protestant or Roman Catholic, which may not come under the strict rules of the Board. And I do not dissent from the conclusion adverted to by the noble Marquess, that if we render assistance to an exclusively Protestant school, for instance, we cannot withhold it from an exclusively Roman Catholic school. In the years 1831 and 1832, when this system was first originated, there existed a different feeling from that which prevails now, which would have rendered any assistance on the part of Government to a school exclusively Roman Catholic a matter of absolute imposibility. I have reason to believe that that feeling is materially weakened in the present day. I believe that the scruples which were then entertained with regard to educating Roman Catholics, as Roman Catholics, have not now the same weight and power over the minds of the people that they had at that time. I believe that the affording Government assistance to a school composed exclusively of Roman Catholics would not now meet with the opposition and with the objections which it would have met with in 1831 and 1832. But I readily admit that if you introduce the principle of affording assistance to a school exclusively Protestant in Ireland, you cannot escape from the other alternative of affording assistance also, under the same rule, to a school exclusively Roman Catholic. Whether it may be possible to combine with the independence of these schools as to their internal management—be they Protestant or Roman Catholic—aid from the national funds, and superintendence by national inspectors, is a matter upon which at this moment I do not desire to pronounce any positive opinion. If you ascertain, on the report of a Committee, that, combined education being the rule, practically exclusive education is the system, then I think it would deserve attention whether you should not extend the principle still further, and without intending in the slightest degree to withdraw the support given, or the influence exercised by the present Board, extend the benefits of a good education, assisted by the Government, supplied with the best books, and controlled and superintended by the inspection of the Government, to those, whether on one side or on the other, whose feelings, principles, or, if you will, prejudices, prevent them from receiving these advantages under the present system. I say, then, that the Attorney General for Ireland was perfectly justified in stating that I desire, if possible, to overcome the objections of the Protestant clergy to the system at present pursued; that I desire that an investigation should take place into the practical working of that system; into the modifications which from time to time may have been found necessary or judged expedient to make in the regulations of the Board in the course of the last twenty years; and into the still further modifications which, without departing from the principle, might yet be adopted; and he was justified also in saying that I desired, if possible, to obtain the co-operation of the clergy to the present system; and before and above all things that I desired to have the means in Ireland, as far as practicable, of extending to Roman Catholics and to Protestants, under the superintendence of the Board, and by the assistance of the Government and the public, the advantages of a sound moral, literary, and religious education. Further than that, however—further than the expression of an opinion that the appointment of a Committee, fairly chosen, and entering impartially on their task, might tend to remove difficulties and facilitate the advancement of education—neither am I as an individual, nor is the Government of which I am a Member, in the slightest degree pledged; but I am of opinion that an investigation by a Parliamentary Committee is desirable for the purpose of seeing how far modifications may be introduced in the existing system, which may have a tendency, not to diminish the influence of the Board, but to carry out more extensively and more beneficially those great objects which to a considerable extent have already been accomplished, and which it is my wish and earnest desire to see thoroughly and effectually carried out in Ireland.

The MARQUESS of LANSDOWNE said, he would willingly give full credit to the noble Earl for the part which, at a former part of his career, he had taken in the establishment of the present system of national education in Ireland; and of the working of that system he could speak in terms of the fullest approbation. At that time the difficulties which opposed themselves to the working of any such scheme were almost insuperable; and he had no hesitation in saying that those difficulties would have proved too powerful for it, had it not been for the fortunate occurrence which placed at the head of that system prelates of the two Churches equally distinguished for their enlightened character, their profound knowledge, and their liberality to all men. By them that system had been kept alive; all the rocks and shoals had been successfully avoided; and the great mass of the people of Ireland had been made acquainted with the blessings of an enlightened, instead of, if he might use the word, the ignorant education to which before they had been accustomed. He felt that that system had met, perhaps, not with all the success, but certainly much more success than had ever been anticipated; and the inference he drew was, that the system ought not to be touched, he would not say not at all, but certainly not without the greatest care. They ought not to go into a Committee with any view that the essential foundation of that system ought to be departed from; for in that case he had no hesitation in saying, that their Lordships would find that all their grants, all the efforts which they had made, would be found to have been in vain, and that instead of uniting the whole people under the blessings of a system of common education, they had ended by establishing a system of exclusive education, and alienating each class more and more from the other. He protested against any inquiry being gone into as to the working of the system in any case where the Protestant and Roman Catholic clergymen had not co-operated together in supporting the system. It had been well remarked, that the great success which had attended the system, had resulted, to a great extent, from the efforts of the eminent persons set at its head. Unfortunately, at this moment it had to deplore the loss of one of these most distinguished prelates (the Rev. Dr. Murray) whose life had done honour to that Church with which he had been connected; who, so far as his influence was concerned, opposed the evil influence of others; and who maintained a state of religious peace and harmony in the country where he was called upon to exercise his beneficial influence. Much might depend upon the choice of the person to act in his place, as to how far the same benefits might be derived from the same system. That, therefore, was an additional reason for not hastily announcing a disturbance of a system which, up to the present moment, he held to be perfectly successful, but which might be made more successful; and, at the same time, so far as he was concerned, for not drawing from the high authority of the noble Earl any indication of an intention to substitute, for general and common, a separate and independent system of education.

The Earl of DESART regretted that the Protestant clergy in Ireland had acted with so great a want of judgment at the first establishment of the system. Their system then was a total withdrawal of themselves from connexion with it; the consequence of which was, that the administration had fallen into the hands of the opposite party. He spoke strongly of this systematic withdrawal, because, from his admiration of the national system, he put a school of his own under it. At first, both the Protestant and Roman Catholic clergymen visited it; but the Protestant clergyman by and by absented himself, and, after a time, the Protestant parents complained that they could not allow their children to attend, on account of the annoyances they were subjected to by the Roman Catholic children. He reminded their Lordships that they disposed of a sum of the public money upon principles which had the effect of excluding a great part of the people of the Church of England from participating in the advantages. He, on that account, did not wonder to find some of the clergy of that Church were of opinion that the people to whom they ministered were hardly used.

The Earl of RODEN said, he might, perhaps, stand alone in the opinion he felt it his duty to give in respect to the subject now under their Lordships' consideration; but he felt that he had a duty to perform, and, whether he stood alone in his opinion or not in the discharge of that duty, he would have the consciousness of doing that which he owed to his country, to himself, and, above all, to the great cause involved in this question. He agreed with the noble Marquess (the Marquess of Clanricarde) that the subject was one of paramount importance. Its importance, indeed, could not be too strongly urged, seeing the end which was desired to be attained was the giving to the poorer classes an education both for time and eternity. Their Lordships might recollect that when this subject was brought forward in 1832, he felt it his duty to oppose the introduction of the measure, on the ground that he thought that no measure ought to be introduced under a Protestant Government, and under a Protestant constitution, for the instruction of the people, that had not for its foundation the teaching of the Scriptures among the children admitted to its schools. He was told at the time that if that course was to be pursued, it would entirely exclude the Roman Catholic children from those schools; but he knew well that at that period Roman Catholic children, to a large amount, were attending schools conducted upon that system, and he had since learned that Roman Catholic children in large numbers were gladly and anxiously attending them and receiving therein a scriptural education. He could not agree with the noble Earl in the statement he had made as to the success of the national system. He (the Earl of Roden) admitted their books were good, and that some of their schools in the country were good; but he said the great majority of the schools were established on a system of giving an exclusively Roman Catholic education to the people. Would not the noble Marquess allow the large body of the Protestant Church in Ireland to have some conscience on this subject? It was his (the Earl of Roden's) privilege to be acquainted with many of the clergy of Ireland, and to meet them from time to time, and to hear their opinions on this subject, and he was certain their opposition to those schools was dictated by the most conscientious motives. He could not doubt that it would come out in evidence before the Committee to which the noble Earl (the Earl of Derby) had referred, that among the Roman Catholic people of Ireland there was the greatest anxiety to be instructed, and to have their children instructed, in the Scriptures, and that they were only kept from that instruction by the tyranny of the priests. He (the Earl of Roden) himself had been a witness within the last few months of what the feelings of the people in the west of Ireland were on this subject. They evinced the greatest anxiety to be instructed in the Scriptures. He had seen a large population, to the amount of upwards of 10,000, brought out of the Church of Rome, and united to the Church of England. And where had that taken place? It had taken place in the diocese of Dr. M'Hale, an eminent man, possessing great talents, and holding sincere ultramontane opinions. He (the Earl of Roden) trusted the effect of the Committee would be, that in future the Protestant Church would have a share in the public grant; for, was it not monstrous to give a large sum of money to educate Roman Catholics exclusively in the Roman Catholic religion, and to refuse to bestow funds for the exclusive teaching in the schools of children connected with the Protestant Church? The people of England expected that the present Government would uphold the Protestant Church, and he trusted they would not have their feelings disappointed.

LORD MONTEAGLE said, if a Committee was to be appointed on this subject, which he considered might be a prudent course if the Committee were rightly guided, his noble Friend at the head of the Government and the noble Earl who had just sat down would enter upon that inquiry upon principles entirely opposite and irreconcileable. It was satisfactory to him (Lord Monteagle) that the noble Earl at the head of the Government had announced his adhesion to the established system; and it was also another ground of satisfaction to him to remember that one of the best and most conclusive speeches which had been made in defence of this system of education was made in the other House of Parliament by a very near relative of the noble Lord at the head of the Government who had a hereditary claim to defend the national schools of Ireland. On the other hand, what was the object of the system proposed to be established by the noble Earl who last addressed the House (the Earl of Roden)? It was a strictly scriptural system of education which he recommended, leading, as the noble Earl himself had sought to prove, to an extensive amount of proselytism. It was the very system which the noble Earl (the Earl of Derby) when Secretary for Ireland had condemned. He (Lord Monteagle) thought it was a fit subject for Parliamentary inquiry, whether the principles which had been adopted as the foundation of the system, had been adhered to; and if it had been altered in any respect, what were the effects of the alterations introduced. But he would remind the House, that in every year in which any alteration had taken place in the system, that alteration had been specifically brought under their Lordships' notice in the annual reports; and up to this time there had never been any sufficient objection raised against it. The subject was, no doubt, encompassed with difficulty. His noble Friend (the Earl of Derby) and himself, when Members of the other House of Parliament, were joint members of a Committee which inquired fully into these schools; many of the matters which had been adverted to in the course of the present discussion were made the subject of investigation at that time. Two heavy folio volumes, containing in the evidence given before that Committee much dull theological rubbish, were printed; but the inquiry had led to no other result whatever. Let it not be supposed that he (Lord Monteagle) was not as anxious as the noble Earl (the Earl of Roden) for the diffusion of the Scriptures to those who were willing to receive them; but he said Parliament had no right, if they professed to give a common education, to interpose at the very threshold objections the result of which must be to prevent the principle of a common education being carried into practical operation. Whatever might be the modifications of which this system of education was susceptible, he prayed their Lordships not to attempt to enforce the doctrines of religion in violation of the principles of charity. The great inducement, which in many cases had led to the withdrawal of the Protestant children from the schools, had been, first, the absence of the Protestant clergyman who disapproved of the schools, or would not extend his countenance to them; and, next, the desire which those very clergymen had of seeing schools established in which the education of Protestants might be conducted separately: If they endeavoured to combine in the same system of instruction schools exclusively Catholic, and others exclusively Protestant, the system of national schools for combined instruction would inevitably fail. If they established schools exclusively Protestant, then, on the showing of his noble Friend opposite (the Earl of Derby) they laid down a principle by which they were bound to establish schools exclusively Catholic. He (Lord Monteagle) would say, frankly and unreservedly, that he would never be a consenting party to placing the general education of the Irish youth exclusively under the dominion of the Irish clergy or of the Irish priesthood: such a course would be an entire violation of all the principles on which this system was founded. But if it was in the hands of the Irish priesthood at the present time in certain places, why was it so? Why had Protestant co-operation been withheld from the national schools? Were Protestants entitled to withdraw all the Protestant children from the schools, and then to stigmatise those schools as being exclusively Roman Catholic? He wished the Chancellor of the Exchequer and the First Lord of the Treasury joy of the task each would have to encounter on presenting a separate estimate for schools exclusively Catholic, and for schools exclusively Protestant. It would be matter for surprise if the House of Commons were to vote 2,000*l.* a year to the schools of the Christian Brothers, good as that education might be. Was his noble Friend at the head of the Government aware that some of his Colleagues and many of his supporters had pledged themselves against the renewal of the grant to Maynooth? Did his noble Friend dream there would be much chance of obtaining an exclusive grant for Roman Catholic schools? He (Lord Monteagle) did not think there would be any such chance, nor did he wish that there should be, seeing that it would be likely to disturb that united education and religious peace which it was desirable to maintain. The House must remember, to use the words of the Duke of Wellington, whether they liked it or not there were 6,000,000 of Roman Catholics in Ireland. He trusted that the proposed Committee would be most carefully chosen, and would confine itself within those fair limits of investigation which his noble Friend (the Earl of Derby) himself assigned to it. He (Lord Monteagle) would only make this remark in conclusion, that, for the satisfaction of the public rather than for his own, the House should reprint the original letters written by Mr. Stanley to the Duke of Leinster, in reference to the principles which Lord Grey's Government laid down for the schools in question; and he proposed to move that this should be done.

The EARL of DONOUGHMORE thought that the system of common education, if it meant merely the education of the children of different creeds in one school, had not succeeded to any great extent in Ireland in effecting the principal object for which it had been established; for he believed that religious rancour was fully as rife at this moment in Ireland as it had been in 1832. A noble and illustrious Duke (the Duke of Wellington) had once used the expression in their Lordships' House, that there were 6,000,000 of Roman Catholics in Ireland, and that whether their Lordships liked it or not there these millions were. He (the Earl of Donoughmore) might suggest an analogous argument on this occasion. There were 1,600 educated gentlemen, Protestant clergymen, in Ireland. These rev. gentlemen were conscientiously opposed to the system of national education, and, whether their Lordships liked it or not, these individuals would continue to be opposed to that system. You must accept the fact: you could not alter it, or drive them from their conscientious convictions; and it was absurd to maintain that that system could be a thoroughly national system which had not obtained the sanction of persons of such influence and position. He could not perceive the peculiar difficulties which were alleged to be in the way of a satisfactory settlement of this controversy. It seemed to him that the solution of the problem was to be found in such a new system as would make the patrons of the several schools the judges of the character of the religious education which should be given, with the proviso that the *minimum* of religious instruction should be the reading at the stated intervals of the scriptural extracts decided upon as part of the arrangements of 1832 in reference to the national schools. Certainly such a solution would be accepted with satisfaction by the large majority of Irish Protestant clergymen. He was glad that there would be a Parliamentary Committee on the whole question; and he was not without hopes that the advocates of a change would produce such evidence before the Committee as would be calculated to have the effect of enabling the clergy of the Established Church to assist in the education of the people.

The MARQUESS of CLANRICARDE reminded the noble Earl who preceded him, that the National Board of Education in Ireland was presided over by a prelate of the Established Church, whose great learning and whose fitness for such an office had never been disputed. If the noble Earl would look back to what had occurred in 1832, he would find that it was after communications with persons of the highest authority in the Established Church, the present system was adopted, and that the system which the noble Earl advocated was a system which had been tried and failed. It was said by another noble Earl (the Earl rangements should not be interfered with; and the reasons which had induced the of Roden) that if they had Protestant schools in Ireland they would get Catholic children to come to them, and they would be able to convert those children. The noble Earl approved conscientiously of that system; but he (the Marquess of Clanricarde) differed from him, and so did Parliament, and a system, not of exclusive but of united education, was established under which good, sound, conscientious Roman Catholics could be sent to the schools. He regretted that there should be a Parliamentary Committee appointed at this moment on the subject, because anything that threw the slightest doubt on the present system might have a most injurious effect in Ireland. He was sorry that it was in the other and not in that House of Parliament the Committee was to be appointed, and he trusted Government would take care that the examination was fairly conducted. Their Lordships would see that, in fact, the most Protestant part of Ireland was the place where the schools had been received with the greatest avidity, and established with the greatest success.

LORD DE ROS begged to know what the inspectors were for? Why did they not look to the irregularities which had occurred?

The MARQUESS of CLANRICARDE said, that if the noble Lord looked to the annual reports laid before Parliament, he would see that the reports of the inspectors were there give *in extenso* in the appendices.

On the Motion of LORD MONTEAGLE, an Address for "Letter from the Chief Secretary of Ireland to the Duke of Leinster, dated London, October, 1831, on the Formation of a Board of Commissioners of Education in Ireland," was agreed to.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, March 16, 1852.

MINUTES.] NEW MEMBER SWORN.—For Tyrone County, Lord Claud Hamilton.

PUBLIC BILLS. — 1° Indemnity; Consolidated Fund 8,000,000*l.*

VENTILATION OF THE HOUSE.

LORD ROBERT GROSVENOR begged to ask the First Commissioner of Works whether he was able to hold out any hopes of relief to the sufferings of the Members from the present state of the ventilation of the House. He did not think that he was

expressing a sentiment that was likely to create much discussion when he declared that the present condition of the House in respect to ventilation was most scandalous. He hoped that hon. Members would bear with him while he offered a few remarks on a subject which could not be of interest to them all. He did not believe that in all England there was to be found another public edifice in so wretched a condition with regard to ventilation as the House of Commons. Really, if something were not at once done for the relief of the Members in this respect, some fatal result would inevitably follow. Anything like the state of the House on Monday night he had never experienced. He consulted a number of Members in all parts of the House to ascertain whether the feelings of prostration and exhaustion which he had himself experienced were peculiar to himself only, or whether they were of general prevalence; and he found that there was not a Member to whom he applied whose sufferings were not as great, if not greater than his own. Some declared that, on taking their seats in the House, they were conscious of a burning sensation of the most painful description around the head; others said that they felt a swelling in the temples; others that they experienced a kind of nervous fever; and some complained of a terrible sensation, resembling that which distinguishes a fit of apoplexy. [*Laughter.*] Hon. Gentlemen might laugh, but he would tell them that this was no laughing matter. It was a question of life and death. Finding this dreadful state of things on the floor of the House, he went up into the gallery on the right of Mr. Speaker, in the hope of being able to obtain a little fresh air; but, after being there four or five minutes, the breeze changed into a gale of wind, and came with such violence from the direction of the gallery over the chair, that he was compelled to fly with all precipitation to avoid the consequences of exposure to such a blast. He ran over to the gallery on the left of the chair, in the hope of there obtaining a refuge; but the transition was from the frying-pan into the fire, for so dreadful was the stench in that gallery, and so offensive the escape of carbon and hydrogen, that he had nothing for it but to take up his hat and run out of the House. Another hon. Member also desired to put a question in the same terms, with regard to the Committee rooms, for it was not the House alone, but the lobbies, the Committee rooms, and every part, which exposed those passing through or remaining in them to the most serious injury to health. Now, he wished to know how long was this state of things to continue? Was it to see them extinguished, or were they to extinguish it? He had every desire to discharge his duties conscientiously towards his constituents; but it would be out of the question to expect any Member to do so so long as the House remained in its present condition. Human nature could not endure it. If some effective measure were not at once introduced for the relief of Members in this particular, loss of life would be the inevitable result.

Mr. WILSON PATTEN wished also to put a question to the First Commissioner of Works upon the same subject. Hon. Members were at the present moment suffering most dreadfully from the state of the Committee rooms in regard to ventilation. He himself sat four days in every week in one Committee room, and the Members of that Committee felt it totally impossible to protect themselves. They had tried all sorts of experiments; they had removed the chairs and tables; they had sat by turns in every part of the room, but still were exposed to the same annoyances. He therefore begged to ask the noble Lord (Lord J. Manners) whether the Committee rooms were included in any directions given to Dr. Reid as to the ventilation of the House?

Lord JOHN MANNERS was sure his noble Friend (Lord Grosvenor) need not have given any reason for his question, since every hon. Member must have felt equally with himself the necessity of a speedy remedy, if one were possible, to the present bad ventilation of the House. Immediately before the adjournment of the House it would be remembered that a Resolution was passed calling on Dr. Reid to report on the subject. That report, he understood, was completed, and he had expected to have received it that afternoon, but it had not yet been placed in his hands. His first official act had been to carry into effect the resolution of the House to which he had referred, and to give every facility to Dr. Reid for the prosecution of his inquiries, and for carrying out the remedies which he proposed. He (Lord J. Manners) feared, however, that what had been done could not be said to be in the least degree satisfactory. The hon. and gallant Member for Westminster (Sir De L. Evans) had moved that another professional gentleman, Mr. Goldsworthy Gurney, should be appointed to report on the subject, and to suggest a remedy. He (Lord J. Manners) had in consequence given instructions that every access should be given to Mr. Goldsworthy Gurney to every part of the buildings connected with the House of Commons; and so far as he could assist that gentleman he should be most happy so to do. When, however, his noble Friend asked him whether he could hold out any hopes of relief to his and their common sufferings, he was asking a question to which he (Lord J. Manners) could not take upon himself to give an answer. The same remarks applied to the question put by the hon. Member for North Lancashire (Mr. W. Patten). Every inquiry that could be made should be made, and it would rest with the House what course they would take after this was done. It was impossible for any person in his position to answer a question which seemed to baffle the most scientific men; and he should only therefore repeat, that every facility should be afforded for those inquiries which were now in course of prosecution, and which he trusted would have the effect desired.

Subject dropped.

THE CRYSTAL PALACE.

Mr. T. DUNCOMBE said, he had a question to put to the noble Lord the Chief Commissioner of Works, which related to the rational enjoyment and pleasures of the people. He wished to ask whether it was intended to remove or to retain the building of the Great National Exhibition? He (Mr. T. Duncombe) was to have put this question to the noble Lord (Lord Seymour) about a fortnight since, but in the meantime a little mishap had occurred to the then Government.

Lord JOHN MANNERS said, that under the existing arrangements, the contractors were bound to remove the building by the 1st of June next. The House were aware that last year an Address was presented to Her Majesty, praying that an inquiry might be instituted into the expediency of retaining the building in its present position, or removing it to some other site, as a monument of the Exhibition. Commissioners were subsequently appointed, and they sat some time, and received a considerable amount of evidence on the subject of their inquiry. They had since presented their Report, and both the Report and the evidence were now being printed for the use of the House. That Report recommended that the existing ar-

Commissioners to come to that conclusion appearing to the Government to be amply satisfactory, it was not the intention of Government to propose that the existing arrangements should be interfered with. They were of opinion that that great enterprise which originated with the fine conception of a Prince, and which resulted in affording means of enjoyment, information, and instruction to 4,000,000 of people, did not require a memorial of this nature. They thought that the reasons assigned by the Commissioners for not acceding to any proposition of that nature were conclusive and satisfactory, and therefore the Government had decided not to interfere with the arrangement that would necessitate the removal of the building on the 1st of next June.

CONTRACTS FOR COALS FOR THE NAVY.

Mr. G. THOMPSON rose, pursuant to notice, to call the attention of the House to certain alleged frauds in the supply of coals by contract to the various Government departments. He disclaimed any desire to prejudge the question, or prematurely to fix a stigma, or even a suspicion, upon any particular parties connected with the supply, or the superintendence of the supply, of coals for the use of the various Dockyards and Government establishments. There was a general impression upon the minds of individuals connected with the coal trade, namely, the coalowners of the north, the coalfactors in the metropolis, and the coalmeters of the city of London, that frauds were committed upon the Government, and he asked for an opportunity of making those inquiries which would show the manner in which the coal contracts were fulfilled. The article of coals constituted an item of vast magnitude in the catalogue of articles supplied by contract for the public service. The expense of this article to the country was very considerable, perhaps not less than 1,000,000*l.* annually. All would admit the necessity of watching over this branch of the public expenditure; all would admit the liability there was to the practice of imposition, and the strong temptation offered to dishonest persons to make undue profits from their contracts; all, too, would admit the possibility of inducing subordinate officers to connive at impositions. The House, therefore, would not think it a strange thing that he should ask for an inquiry into so important a subject as that before them. He (Mr. G. Thompson) would state distinctly the nature of the frauds which were alleged to have taken place in the delivery of coals by contracts to the various depôts of the Government. The charge was that the parties taking in cargoes of coals in the north, delivered these cargoes in London and elsewhere, not under the inspection of meters connected with the Coalmeters' Office, but of the servants of the contractors themselves, under the superintendence of officers connected with the depôts where they were delivered. A vessel left the Tyne with a certain amount of coals on board—say, for example, 310 or 315 tons. She reached the place of delivery, and her coals were weighed under the inspection of the servants of the contractor and the officers of the dockyard. Upon delivering the coals it turned out that the vessel that left the Tyne with only 310 or 350 tons of coal on board, obtained a certificate for 350 or 400 tons, and this additional weight the Government paid for out of the monies voted in that House out of the public purse by the representatives of the people. In other cases coals were put on board barges in the river, to be lightered up the stream, and discharged at Somerset House. The fraud in these cases consisted either in the barges discharging more than they had received in the Pool, or in the abstraction from the barges of large quantities of coals, and the delivery, or pretended delivery, afterwards, of the amount specified in the certificate. Frauds of the nature of those described, were, it was gravely alleged, systematically practised; and what he asked was a Committee to take evidence on the subject, with a view of satisfying the public mind on the subject. He believed he was not stating more than the truth when he affirmed that amongst those engaged in the coal trade, whether as shipowners, factors, or office meters connected with the port of London, there was a general impression and belief that frauds of the nature alluded to had been extensively committed, and that the public purse had suffered very greatly in consequence. As he had no other object in view than the promotion of the public interest, no one would be more haypy than himself to find the impression he had alluded to erroneous, and to be able to lay upon the table of the House a Report from the Committee assuring the House and the country that all parties concerned in the execution of coal contracts had done their duty, and that the servants of the Government were perfectly blameless. It would naturally be expected of him that he should indicate the nature of the evidence he intended to produce, and the facts which that evidence would tend to determine. Previous to the change in the method of weighing coals—a change which took place about twenty years ago—the Corporation of the City of London appointed meters and regulated the trade. Since that period a Committee, called the Sea-Coal Meters' Committee, had existed, for the purpose of protecting the interests of all parties connected with the coal trade. This Committee was appointed, jointly, by the coalowners of the north, and the factors resident in London. They had an office at the Coal Exchange, called the Coalmeters' Office; and in connexion with it was a body of respectable men, called coalmeters, charged with the duty of superintending the delivery of coals from vessels in the Pool and elsewhere, within the jurisdiction of the city and port of London. Now, these office coalmeters not only gave a certificate of the amount of coals actually weighed out of a vessel, but supplied to the Coalmeters' Office a counterpart of the certificate; so that it was possible to obtain a correct account, for a series of years, of the amounts delivered from any particular vessel bringing her coals to the port of London. It was alleged that certain vessels which, when weighed by coalmeters for the trade, had never delivered more than a given amount, had, when weighed at Government depôts, by the servants of contractors and other persons not connected with the Coalmeters' Office, obtained certificates for twenty, thirty, and forty tons more than their average cargoes. Here, then, to go no further, was a tangible subject for inquiry, and a simple mode of thus ascertaining whether the Government had been imposed upon, and the public purse robbed. But not only did the coalmeters' certificate afford the means of ascertaining the fact of fraud, but there was also the amount of duty paid to the City, which, in the case of coals delivered for the Government, would, it was alleged, be found to have been paid upon a much smaller quantity of coals than that paid for by the Government to the contractor. He (Mr. G. Thompson) would illustrate this part of the subject by a reference to the delivery of four ships. The first of these, when fairly weighed, averaged, during 20 years, 390 tons; but when delivered for Government 450 tons. The second, when fairly weighed, 340 tons; but when delivering for Government 400 tons. The third, when fairly weighed, averaged 285 tons; but when delivering for Government 310 tons. The fourth, when fairly weighed, 305 tons; but when weighed for Government 340. These cases were only four out of a great number which it would be in his power to bring before a Committee; but he was willing to rest his case for inquiry upon them. Within the last three days the following facts had been communicated by the captain of a collier. He stated that he carried a cargo of coals to Plymouth to be discharged into a Government hulk; that the average cargo of the vessel was 315 to 320 tons; that on this occasion she discharged 40 tons more than the average, and that having done so, and being afraid of awakening suspicion, the delivery ceased, while there remained 10 tons in the vessel; that on this occasion it was a convict who acted as weigher under the superintendence of an officer of the Government, and a servant of the contractor. He would say no more on this branch of the subject further than that he had a long list of ships and of witnesses, and would be prepared to furnish to the Committee the fullest opportunity of ascertaining the truth of every allegation of fraud. He would now mention the alleged frauds at Somerset House. The coals delivered there were taken up the river in barges, with certificates of the amount of coals in each barge. These certificates should be in existence, and it was the duty of persons at that office to see that the coals delivered corresponded with the certificates. But it was alleged that extensive frauds had been committed—that the men employed in discharging the barges had practised what was technically called light labour, that is, had carried less than the proper weight, which was one cwt. and a half, and that so the amount had been increased. This allegation the Committee would also have the means of investigating. It was alleged that the certificates had been destroyed. This could at once be ascertained, and if any were missing they could call for the coalmeters' books, and compare the actual amounts in the barges with the amounts charged to the Government and paid for. He was aware that these matters had been brought under the notice of the late First Lord of the Admiralty, and that the Solicitor to the Admiralty had been instructed to prosecute an inquiry. He was also aware that a number of witnesses had been examined, and their evidence taken down; but he was not aware of the nature of the report made by the solicitor, or of the proceedings which the Admiralty Board had adopted thereupon. He could not sit down without expressing his conviction that the public were under deep obligations to a gentleman of the name of Upton, connected with the Coalwhippers' Office, for the zeal and perseverance he had displayed in the collection of evidence on the subject now before the House. That gentleman had placed in his hands the highest testimonials as to character; and he (Mr. G. Thompson) believed he had been prompted throughout by a sincere desire to promote the best interests of the public. He would now move for a Committee of Inquiry, in the full belief that the House would deem the matter worthy of a serious and impartial investigation.

Motion made, and Question proposed—

"That a Select Committee be appointed, to inquire into certain alleged frauds in the supply of Coals by contract to Her Majesty's Dockyards and Public Offices."

Mr. HUME, in seconding the Motion, said it had come to his knowledge that there was an intolerable nuisance in the management of the department alluded to. He had pressed the inquiry on the late Government, but they had not acceded to it. He hoped it would take place without delay.

Mr. STAFFORD said, he had no doubt the inquiry, if instituted, might result in proving, not only that the meters connected with the Admiralty were wholly blameless, but that they were highly efficient. The hon. Gentleman (Mr. G. Thompson) had misled the House by the terms of his Motion. It embraced all the twenty dockyards and stations where coals were received, and was not limited as to time. But the hon. Gentleman in his speech had principally referred to the dockyard at Plymouth; and probably the evidence he had to lay before the Committee was restricted in like manner. It was easy to show that the machinery for the inspection of the delivery of coals at the dockyards was most effective. The hon. Gentleman had given no names, alleging that he would reserve them for the Committee; but this was not the way to make out a case for inquiry. Let the hon. Gentleman make a specific charge, and then it could be met by a specific answer. It was impossible to answer charges so vaguely made as those referring to a certain ship; and they were not entitled to any consideration from the House. The hon. Gentleman said he had had much information from a coaldealer in the city. He had so, and his name was Upton. He (Mr. Stafford) had no hesitation in naming him. He had complained to the Admiralty of the delivery of coals at Woolwich; the solicitor caused inquiry to be made, and though Mr. Upton's statements were found to be somewhat exaggerated, enough was discovered to cause the suspicion of fraud. Arrangements had now been made by Commodore Eden to have a sworn coalmeter to superintend the delivery, so that fraud was now impossible. The hon. Gentleman ought in fairness to have stated this. The inquiry, if gone into, would be a long and tedious one; and if confined to some dockyards only, would be partial and incomplete. It would also tend to protract the duration of the Session; and he put it to the hon. Gentleman whether there would be any advantage in pursuing the inquiry further.

Motion by leave, *withdrawn.*

POSTAGE LABEL STAMPS.

Mr. MUNTZ said, he rose to move for a Committee to inquire into the agreement entered into between the Commissioners of Inland Revenue and the patentee of the machine for perforating the sheets of postage labels. In the year 1847 a Mr. Archer discovered and patented an invention for perforating the interstices of postage stamps, which did away with the use of a knife or scissors in separating them, and offered his invention to the Post Office, the Commissioners of Stamps, and the Board of Inland Revenue, asking no remuneration except that which might be contingent upon the admitted utility of his invention. The Commissioners of Stamps and of Inland Revenue agreed to remunerate him accordingly; and, after he had succeeded to his most sanguine expectations, they offered him a mere bagatelle for the invention. This, of course, he declined, and ultimately 1,000*l.* was offered, and then 2,000*l.*; but as these offers were altogether disproportionate to the expenditure Mr. Archer had made, or the value which the public would derive from the machine, Mr. Archer declined to accept them, but told the Commissioners that, if they would give him the contract for manufacturing and gumming the postage stamps, he would guarantee to do it for 2,000*l.* less than the existing contract, and perforate the stamps gratis. No sooner had this proposition been made, than the Commissioners communicated with the other contractors, and asked them what they were prepared to do. They replied that no one could make the stamps so well or so cheaply as they could, but that rather than lose the Government contract, they would consent to take 1,000*l.* a year off the contract price. The Commissioners closed with this offer, and thus the public lost at once 1,000*l.* per annum, and also the use of the invention which the patentee had carried out so successfully. This was conduct which, if it had occurred between individuals in private life, would have caused the party so acting to be scouted from society. All that Mr. Archer wanted was inquiry into the merits of his case; and if that inquiry was granted, he was convinced that it would redound to the advantage of the public.

Motion made, and Question proposed—

> "That a Select Committee be appointed, to inquire and report upon the Agreement entered into between the Commissioners of Inland Revenue, and the Patentee, relative to the construction of the Machine for perforating the sheets of Postage Labels, and whether it would be desirable to carry out the principle for general use."

MR. GROGAN said, he had also given notice of a Motion on the same subject, and as it would extend the inquiry somewhat further than the Motion of the hon. Member for Birmingham, he should move it as an Amendment to that Motion.

Amendment proposed—

> "To leave out from the words 'upon the' to the end of the Question, in order to add the words, 'present mode of engraving, printing, and gumming the Postage Label Stamps; and likewise whether and how the perforating machine, invented by the Patentee, could be applied to the same with advantage to the Public,' instead thereof."

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. G. A. HAMILTON said, it was quite true that in the year 1847, the patentee, Mr. Archer, did submit a plan for perforating stamps, which was likely to be attended with considerable advantage to the public; but he expressly stated that with respect to compensation, he should be perfectly satisfied that that should be contingent upon the complete success of the plan, or when it should have received the unqualified approbation of the public, the Postmaster General, and the Commissioners of Inland Revenue. Government could not assent to the terms of the Motion of the hon. Member for Birmingham (Mr. Muntz), because it assumed the existence of an agreement, which the Government denied. As to the Amendment of the hon. Member for the City of Dublin, there could be no objection to that, and he believed the introduction of perforated stamps was calculated to benefit the public. There were considerable inconveniences attending the postage stamps as at present used, and perforated stamps might be used with advantage. The Government was, therefore, quite willing to grant a Committee in the terms of the Amendment, but not in the terms of the Motion, which presumed there had been this agreement with the previous Government.

MR. MOWATT said, the grievance had not originated since the present Ministers came into office, and, probably, they had not had time to inquire into the case. The patentee had offered to print and deliver postage stamps, of a different description to those now in use, whereby a saving would be effected to the country to the amount of 2,000*l.* a year. He hoped the inquiry would be made to embrace something more than the hon. Secretary proposed, and that he would include the conduct of the officials who had taken advantage of the offer made by the individual, to get the work performed by the contractors at a cheaper rate. They encouraged an individual to state specifically the terms on which he would undertake the work; and when he did so, and superadded the proposal that he would also perforate the stamps for the same sum, they availed themselves of that confidential information for the purpose of getting the contractors to lower their terms from 6*d.* to 5*d.* per thousand. This conduct, he contended, was altogether unjustifiable, and calculated to lower public confidence in the good faith and integrity of public boards, and that it was calculated to strike at the root of the entire contract system. He hoped, therefore, the inquiry would be extended to this part of the subject.

MR. GEACH hoped the hon. Gentleman (Mr. G. A. Hamilton) would allow the Committee to be granted in the wider terms. If persons were to be treated as Mr. Archer was treated in the present case by a public board, men would have no fair play in introducing improvements for the public benefit. It was not often that they could get so good a case, for public boards did not usually leave themselves so exposed.

MR. SPOONER did not see that there was any question for discussion before the House, seeing his hon. Friend (Mr. Hamilton) had consented to a Committee in the terms proposed by the hon. Member for the city of Dublin.

Mr. HENRY DRUMMOND said, the hon. Secretary for the Treasury had not agreed to the first Motion, and the essential facts of the case were never touched by him. He had reason to believe that the practice complained of was by no means uncommon.

Mr. G. A. HAMILTON had agreed to the proposal of his hon. Friend (Mr. Grogan), which was more extensive than that of the hon. Member for Birmingham (Mr. Muntz), and his desire was, that the fullest inquiry should take place.

Mr. MUNTZ said that, on the understanding that the Committee would go fully into the whole question, he was quite willing to withdraw his own Motion, and allow of the adoption of the Amendment of the hon. Member for the city of Dublin.

Amendment and Motion, by leave, *withdrawn*

Select Committee *appointed*, "to inquire and report upon the present mode of engraving, printing, and gumming the Postage Label Stamps; and likewise whether and how the perforating machine, invented by the Patentee, could be applied to the same with advantage to the Public."

RAILWAY FROM OBAN TO GLASGOW.

Mr. JOHN STUART rose to move a resolution as to the expediency of assistance being afforded by Parliament and the Government to facilitate the intercourse and traffic between the Western Highlands and the southern parts of the Kingdom. He would remind the House that last year the late Chancellor of the Exchequer had consented to a grant of public money to be employed in the relief of an extensive and populous district of the Highlands and Islands of Scotland by facilitating emigration. The benevolent intentions of the late Government had, however, from peculiar circumstances, failed, and hence the application he now made. His object was, by a judicious application of public money—not in the shape of an eleemosynary grant, but an advance to complete a public work, which would amply repay the expenditure—to develop the resources of a district the inhabitants of which, from their remote situation, were unable to apply their industry with due advantage to themselves and the rest of the empire. The nature of the work proposed was the construction of a railway to communicate between Glasgow and the whole system of railways in the southern part of the Kingdom, and the port of Oban, in the most central and convenient part of the western coast of the Highlands of Scotland. By the construction of that railway the whole of the western part of Scotland, from Cape Wrath to the southern part of Argyllshire, and the whole of the Western Isles, comprising in the islands alone 100,000 inhabitants, would have its traffic, after being brought to Oban, conveyed thence to all parts of the Empire. By this means the present long and dangerous navigation would be superseded, and a great benefit conferred upon the district. The Glasgow Chamber of Commerce, very disinterested witnesses, addressed a memorial to the late Chancellor of the Exchequer on the subject, in which it was stated that—

> "It would be difficult to conceive a more legitimate application of public money than towards the completion of this desirable undertaking, namely, a railway from Glasgow to Oban; and from the memorialists' local knowledge they feel satisfied that the formation of the intended railway would have a most beneficial and permanent effect on the well-being of the Highlands of Scotland, the resources of which are now lying dormant from want of frequent and speedy access to the southern markets."

The condition of the people of this district was now most deplorable, and deserving of sympathy, and it was strongly felt by the proprietors and others that if its resources were developed they would not require to apply to Parliament for aid. Last summer Sir John M'Neill made minute inquiry into the condition of the people of the Western Highlands and Islands, and in the report published by him it was stated as the opinion of the principal proprietors and others competent to judge, that there was an absolute necessity for measures being taken to afford immediate relief to the suffering inhabitants, and ultimately to assist them in the way of emigration. The first of these recommendations was stated to be indispensable, and the latter necessary to put an end to the lamentable and humiliating state of things that rendered necessary such repeated appeals for public aid. Now, his object was to redeem that part of the county from this humiliating position, by constructing a railway of eighty miles through the district. He begged, therefore, to direct the attention of the Government to a mode of relief involving no outlay of public money without sufficient security, and calculated to produce the greatest advantages. The development of the resources of remote districts by facilitating communications was a system which had been to a certain extent adopted with respect to the very country of which he was now speaking, as evidenced by the military roads constructed in the Highlands of Scotland. The country at that time was remote from civilisation, and in a turbulent and disturbed state; but now it presented no appearance of turbulence, and a people more patient and silent in the midst of starvation never existed. The principle on which he asked the Government to act had been recognised by the proceedings of Parliament above a century ago, when military roads were constructed in Scotland, under the superintendence of General Wade; but, in the present day, they must bear in mind that if they would carry out that principle, which had before been acted upon with success, it was no longer by means of ordinary roads that traffic was to be conducted. A system of railway communication must be introduced. The House had already extended its assistance to Scotch railways, but not to any connected with the Western Highlands or the Islands. In 1847, when Lord George Bentinck brought before the House his wise and benevolent measure for improving Ireland, by applying public money to the construction of railways in that country, he (Mr. J. Stuart) remembered that the noble Lord, in order to show that such an investment would not only improve the condition of the country, but also be safe, referred to the railway from Arbroath to a neighbouring district, which could not have been constructed without public money, and which within a few years entirely repaid the advance. This principle had also been extended, with safety to the public, to other parts of Scotland less requiring assistance than the district in behalf of which he now spoke. Again, in regard to the Dublin and Kingstown Railway—of the greatest importance to the resources of Ireland—public money had been advanced, and every farthing repaid. Though Lord George Bentinck's proposal with respect to Ireland failed, yet he need not remind the House that the Government, who voted against it, before the end of the Session were obliged to act on the principle themselves, and an Act of Parliament was passed empowering the Treasury to charge the Consolidated Fund to the amount of 620,000*l.* to facilitate the construction of three Irish railways; and no less a sum than 480,000*l.* was advanced towards the Midland and Great Western Railway of Ireland alone. The Earl of Clarendon, the late Lord Lieutenant of Ireland, a few months ago, while assisting at the festival by which the opening of the Midland Great Western Railway of Ireland, which was one of those three lines, had been celebrated, congratulated himself on the aid he had been able to give to the promoters of the undertaking, and expressed his satisfaction at its perfect success. No one could doubt that the money was wisely laid out, and had contributed to the development of the resources of the country. He found that the principle of advancing public money for public works was carried, under grants, some annual, some by special Acts of Parliament, to an enormous extent. A Parliamentary return of last Session, relative to the expenditure on public works, showed that there had been expended, during the period comprehended within the return, for Great Britain, 8,041,000*l.*, and for Ireland, 2,450,000*l.*, making a total of 10,491,000*l.* Yet upon the Islands of Scotland—a district with undeveloped resources—not one farthing of this public money had been expended. A stronger claim for the Western Islands was made out by the fact that a great deal of the money he had just mentioned had been expended for the construction of railways—no less than 973,000*l.* in Ireland, the greater part of which had been returned, and the whole of which would, no doubt, be ultimately repaid. In 1846 the House passed an Act the object of which was to facilitate the construction of a railway from Oban in communication with Glasgow; but that Act contemplated an incomplete communication, because the railway was not to be extended through the whole distance, but only forty-five or forty-six miles from Oban to the head of Loch Lomond (an inland sea about twenty-four miles in length), along which it was proposed to carry the traffic by steamboat. He needed not to say that this was a defective proposal, and failed. It was computed that the cost of these forty-five miles of railway would have been 265,000*l.*; but what was wanted was an undertaking that would require an outlay of nearly 500,000*l.*, and that sum was beyond the resources of the Western Highlands. What was within their resources was the scheme of proportion adopted in other cases, whereby they would provide two-fifths, if the other three-fifths were advanced by the Government as a loan on the security of the undertaking. Considering some of the grants made for the completion of other undertakings, this appeared to him to be a modest demand on the part of this wide and populous district. He pressed this matter on the attention of the House, because he had been waited on during the last vacation by a number of proprietors and occupiers of land in the Western Highlands, who represented that the assistance he now asked from the Government would be more effectual than public charity or grants for emigration. They stated that they were content to have the case considered simply according to its merits, and they would be ready to abide by the result; and, with a view to obtain that fair consideration, he now solicited the House to accede to the resolution which he had placed on the paper. He did not, however, press for a hasty decision, nor ask the House at once to pledge itself to a grant of public money without being fully satisfied of its propriety. Let it be ascertained by an engineer, or some other man of skill appointed by authority—and this might be done at a very trifling outlay—whether the representations made in the memorials addressed to the Government on this subject were true or not, and consequently, he should be content, in moving his resolution, to let the consideration of it stand over until the Government were satisfied that they could reasonably entertain the proposition. Never was there a people better entitled to the favourable consideration of the House than the inhabitants of the Western Highlands and Isles. They were never troublesome, and, though poor, this remarkable fact was mentioned in the report of Sir John M'Neill, that from the Isle of Skye a revenue of 10,000*l.* a year was derived from one article alone. Yet this district, poor as it was, had had little or nothing done for it by the Government. Hon. Members might have seen a list of individuals who had risen to high rank in the Army and Navy, the sons of tenant-farmers from one island of the Hebrides, and he ventured to notice that circumstance, because he was most anxious to recommend this matter to the attention of the House.

Motion made, and Question proposed—

"That it is expedient that assistance be afforded by Parliament and the Government, to facilitate the intercourse and traffic between the Western Highlands and Isles and the southern parts of the Kingdom, by the construction of a Railway from the town and harbour of Oban, in Argyllshire, to Glasgow."

Mr. J. Stuart

MR. MACGREGOR said, that in principle he was certainly opposed to granting public money for the purpose of constructing any public works whatever; but he thought there were circumstances connected with the Western Islands of Scotland which, if fairly and impartially considered, ought to attract a large share of the attention of that House and of the country. They found, that whenever money was required for Ireland, weighty interests were brought to bear in order to procure the grant that was asked for. Ireland had not only Her Majesty's representative, the Lord Lieutenant, but also a Secretary of State, to represent the real or alleged grievances and wants of that country. He did not complain of that country being unduly favoured, because it had been for a long time unduly oppressed. But Scotland, on the other hand, was never properly represented in the Government, and rarely obtained any assistance from the public purse. There is a Lord Advocate, it is true, who is supposed to attend to Scottish affairs; but while he is an advocate at the bar of Scotland, he passes a great part of the time in the Courts of the Parliament House at Edinburgh, which, in justice to Scotland, he should pass in the House of Commons. And yet three-fourths of the whole revenue collected in Scotland went into the Treasury of Great Britain, and one-fourth was found to be sufficient to pay for the whole military and civil expenditure of that portion of the Kingdom, including the expense of collecting the revenue. With respect to the particular case pointed out by his hon. and learned Friend the Member for Newark, he (Mr. Macgregor) believed that Government might with great safety make an advance upon that undertaking. It was one to which the landlords in the west of Scotland would all contribute as far as possible; and he believed that the passenger traffic of the railway, if once completed, would, especially in the summer and autumn seasons, be as great as that of the London and Brighton Railroad. The industry of the Western Highlands would be greatly increased by the opening of such a line, communicating with Glasgow, and consequently with all the other large towns in the Kingdom. He, therefore, begged to support the Motion of his hon. and learned Friend, as he thought that the subject was one well worthy of the consideration of the Government. At the same time he would not give his unqualified assent to the proposition of his hon. and learned Friend until the whole plan should be laid before the House.

SIR GEORGE STRICKLAND said, the resolution of the hon. and learned Member (Mr. J. Stuart) appeared to him to mean this—that a railroad to the extent of eighty miles was to be made from Oban to Glasgow, but that it would cost so much money that it would not pay any private undertakers to do it, therefore it ought to be paid for out of the public purse. It was to protest against that pinciple that he rose. They might tell him that private property in the Highlands of Scotland would be greatly improved by the expenditure, but they must show him how it was justifiable so to apply the public money. The hon. and learned Gentleman had stated that in a short time not less than 10,000,000*l.* had been paid out of the public purse to advance private interests. [Mr. J. STUART: No!] He (Sir G. Strickland) supposed the advance was for railroads or draining. Now, to that system he objected. He possessed private property, and he should think it was totally unjustifiable to ask for an advance of public money for such a purpose. It might be said that the money was secured by mortgage, to be repaid in a certain number of years; but what was that to him? He might live only ten years, and the money might not be repaid for thirty or forty years. Lord George Bentinck had asked for a large sum of money for railroads in Ireland, and if ever a country deserved a grant of public money to advance the national interests, it was Ireland; but the House had had the honesty to resist so false a principle, and he hoped the House would do the same in this instance.

The CHANCELLOR OF THE EXCHEQUER: Sir, I can assure the hon. and learned Gentleman the Member for Newark that he has not mistaken the feeling of the House and of the country, when he says there is considerable sympathy with the people of the Western Highlands of Scotland; and, if I saw that there was any means by which advantages could be secured to that part of Her Majesty's dominions, I would be the last to throw any obstacle in the way of such a proposition. But when we consider the question upon which my hon. and learned Friend has spoken—a question raised by a gentleman connected with that part of the United Kingdom, and who, from that circumstance, as well as from the position he holds in this House, is entitled to the highest consideration—and compare that question with the facts adduced, I am bound to say he has not established that position which, in setting out, he promised he would do. I do not approach the subject with any prejudice. I do not acknowledge the principle that the State should never assist private persons for the promotion of great and useful works; nor, notwithstanding what has been said, can I think the country has suffered by these advances. I cannot agree with what has fallen from the hon. Baronet (Sir G. Strickland). That hon. Member seemed to have forgotten that the repayment of the money advanced under the Drainage Act was secured by a charge upon the land, and that the country received ample interest for the advance. I could go a step further, and point out instances where loans similar to that proposed might be attended with great advantage. I am perfectly aware of that; but, at the same time, great caution must be used in making such advances, and they must never be applied unless under certain conditions. With such precautions, I repeat, there may be instances in which such advances would not only be expedient, but may be justified upon principles of science. I will not now stop to enter at any length into the discussion of the celebrated proposition once made in this House—made by one whose loss I shall always deplore. But that was not to be looked upon as a mere statistical proposition; it was a proposal, brought forward in a moment of great emergency, by Lord George Bentinck, to relieve a country under circumstances entirely exceptional. But, even if we take that celebrated measure, to which, right or wrong, I gave my warm and sincere support to my lamented Friend, that scheme was different, in many important features, from that of my hon. and learned Friend on the present occasion. In the case of the Irish railway scheme, put forward by Lord George Bentinck, a large advance of public money was, it is true, proposed; but there was this important condition annexed, that, in all such advances by the Government, there should be previsiously a considerable outlay of private capital. One third of the capital, if I remewber rightly, was to be laid out before the State made any loan. I cannot ascertain that in the case now put before the House, either from the speech of my hon. and learned Friend, or from the memorial that has been officially presented to me in the course of the day, that there has been any previous outlay whatever, nor any existing guarantee that the public money should be repaid. The House is now really asked to make a grant of the public money for the purpose of constructing a railway—

MR. JOHN STUART: The proposition made as to this railway was, that there should be an outlay of two-fifths before one farthing was asked from the Government.

The CHANCELLOR OF THE EXCHEQUER: When the proprietary have laid out two-fifths of the capital, they will be in a position to come to this House and state their case. I cannot say that I can recommend the grant sought for upon an hypothetical investment of money by certain persons in certain parts of the kingdom. If there had been a considerable outlay of capital—if the work had been one of great magnitude—and if a fair prospect of remuneration offered—these are circumstances under which it is possible the Government would be justified in coming forward; but in this case no money has been expended. It is avowed that nothing has been done, and I believe that even a survey has not been made. The hon. Member for Glasgow said that there were no maps or plans—

MR. MACGREGOR begged to say that he had not stated any such thing, for an actual survey had been made, and what he wished the Government to do was to complete the survey of that part of the line of railway not contemplated at the time of the former survey.

The CHANCELLOR OF THE EXCHEQUER: I always listen with pleasure to the statements of the hon. Member for Glagow, and it is possible it may have been his intention so to represent himself, but, at all events, it is usual in these cases that there should be a complete survey of the whole line along which the railway was to pass before any advance of public money is made by Parliament. I must repeat, that if I saw any proposition which I could fairly believe would advance the interests of the suffering community, I would receive it with the greatest consideration; but I cannot look upon the present proposal as having any such tendency. The hon. Gentleman (Mr. Macgregor), from his official experience, must be aware of the fact that there is an annual Vote by Parliament legitimately applicable to undertakings of this character. The Loan Commissioners under the Public Works have a fund which may be thus applied if the security is legitimate, and the object a proper one. If the scheme for making the railroad from Glasgow to Oban be as important as the hon. Member states—if it be of the character which my hon. and learned Friend (Mr. J. Stuart) states—if that be so, and if they put themselves in a legitimate position, and apply to the Loan Commissioners of Public Works, I have no doubt but that they will receive that very assistance which they now ask by means of a grant of the House of Commons. I have no doubt but the construction of a railway in this district would be useful, but the House of Commons must have regard to general principles, which must not be lightly departed from. It gives me pain to oppose any proposal emanating from my hon. and learned Friend. I can only say that I will receive any memorial from the projectors of this railway, and give it every consideration in my power. I believe if the project be carried into effect it would be productive of beneficial results, and whatever machinery may be at the command of the Government will be cheerfully placed at their disposal.

MR. ELLIS said, he was not connected with any railroad in that part of the United Kingdom to which this proposition referred, but he conceived it was the duty of the Government to assist such a district as he believed that to be through which this railroad would run, in order to develop the resources of the country, and he thought that in no way could those resources be so effectually developed as by the construction of railways.

SIR ARCHIBALD CAMPBELL thought the grant asked for was not to benefit private proprietors. Some proprietors would undoubtedly benefit by it, if made; but the greatest benefit would accrue, not only to the particular district through which the railway was to pass, but to all the contiguous districts. He thought the objections, therefore, fell to the ground.

MR. HUME said. that this was one of those cases which were so often brought before Parliament, but which were extremely difficult for a Government to deal with. It was easy to ask for public money, and difficult to resist the application when a case of distress was made out. Some years ago there was a very great amount of distress in the Highlands of Scotland, and he had hoped that it would have been alleviated, if not entirely removed, by this time. As regarded the islands, nothing but emigration could afford permanent relief. He, at one time, felt inclined to advocate the grant of a sum of public money in order to assist in removing them, their distress having in a great measure been occasioned by the change in our fiscal arrangements. He did not think a fixed rule should be laid down that public money ought never to be advanced, but at the same time he did not think the present case was one calling for assistance from the public funds. He did see how the proposed railway could benefit the islands; and, with regard to the prospects of its being a paying concern, he had the greatest possible doubts. The canal, which was made some years ago, from Oban to Glasgow, had been undertaken by the Government because its original promoters—the country gentlemen of the district—had failed to complete it, and because the Government wished to relieve the district from great distress. The canal was not profitable, and he could not discover what advantage would be derived from a railway. There was no traffic to support it. He should certainly advise the right hon. Gentleman the Chancellor of the Exchequer to make further inquiry, before recommending the grant of any sum by the Exchequer Loan Commissioners. The rules did not allow any sum to be advanced, except where the sum so advanced was likely to prove productive.

MR. TRELAWNY was totally opposed to all grants of this nature from the public funds; and he could not understand how any free-trader could support them, for they involved the worst features of a system of protection, which consisted in affording artificial encouragement to enterprises that ought to be left to depend on self-support. If, however, the principle was not objectionable, and the Government had plenty of loose cash at its disposal, he thought there were many public works more deserving of the assistance of the State than any railway scheme for the Highlands of Scotland. He did not recommend the outlay of public money in such undertakings, but he might cite as an example that a railway along the south coast of England, from Portsmouth to Plymouth, had a stronger claim on the attention of the House than the present proposition, from its connection with the now much talked of subject of the defences of the country.

SIR DENHAM NORREYS said, it was plain from the blue books on this subject, that the people of the Western Highlands and Islands of Scotland were suffering under great distress, and that it was impossible for unaided private enterprise to afford them effectual relief. The proprietors of the district had already made the most laudable efforts to support the population, and, therefore, without inquiring whether the particular scheme of railway now proposed was the best that could be devised for the district, he was ready to advocate the advance of money suggested by the hon. and learned Gentleman (Mr. Stuart) from the public funds.

MR. BOOKER said, it appeared to him that the right hon. Chancellor of the Exchequer had overlooked one very important consideration—namely, that there was extreme distress existing in the Western Highlands and Islands of Scotland. He did think that it was an object of the first consideration with a parental Government to afford profitable industrial employment to the people, without the necessity of their transporting themselves from the shores of their native country. He thought the hon. and learned Member for Newark was entitled to the best thanks of the House for the able and lucid statement he had put before them. As to the want of traffic on the contemplated line, experience showed that a railway, once constructed, created traffic. He himself knew an instance of a line which had been formed in a mountainous district, where previously the passenger traffic had scarcely employed a single coach, yet, since the formation of the railway, the passenger traffic had risen in amount to 15,000*l.* per annum. He should like to have the assurance of the Government that they would be prepared to consider the matter in the event of the parties themselves raising a portion of the capital. He understood the inhabitants had offered to defray two-fifths of the expenses of the preliminary survey.

MR. F. SCOTT said, he had also hoped that the right hon. Chancellor of the Exchequer would have afforded more countenance than he had done to this scheme, because he thought the case brought forward by the hon. and learned Member for Newark a very peculiar one, not only with regard to the extent of the distress which prevailed among the Highland population, but also with regard to the extent of the country whose resources would be developed by the projected railway. He thought the case had not been properly considered by the right hon. Gentleman the Chancellor of the Exchequer, who had himself thrown out some suggestions showing that the subject required further elucidation; and for that reason he would now move that the debate be adjourned till that day fortnight.

Mr. BOOKER seconded the Amendment.

Mr. P. HOWARD regarded the establishment of lines of communication between the extreme points of a country as of great importance, both in a military and commercial point of view. Every one must feel anxious that this interesting population should not be compelled to fly their native shores; but he suggested whether the hon. and learned Gentlemen (Mr. J. Stuart) would not best advance his case by laying a more matured plan before the right hon. Chancellor of the Exchequer. He believed that it would be quite impossible to raise local subscriptions without there was a promise of ulterior assistance from the Government; but with that he thought that an advance of public money might prove of national as well as local benefit.

Debate *adjourned* till *Tuesday*, 30th March.

OUTRAGES (IRELAND).

Mr. NAPIER begged to move the appointment of a Select Committee to inquire into the state of those parts of the counties of Armagh, Monaghan, and Louth, which were referred to in Her Majesty's Speech; into the immediate cause of crime and outrage in those districts; and into the efficiency of the laws, and of their administration, for the suppression of such crime and outrage. The Motion he was about to submit to the House was substantially the same as that he had attempted to move before the recent change in the Government of the country. On the first night of the Session he had drawn attention to the state of a portion of the north of Ireland as referred to in Her Majesty's Speech; but the noble Lord (Lord John Russell) intimated to him that inasmuch as the Special Commission was then proceeding, and had not concluded its labours, it was premature to bring forward any Motion on the subject. The noble Lord was quite right, and he did not, therefore, press any Motion. After the Special Commission had terminated its labours, he (Mr. Napier) gave notice for the appointment of a Committee to inquire into the causes of the insecurity of life and property in Ireland; but the right hon Gentleman the then Secretary of State for the Home Department put upon the paper an Amendment in the terms which he had now adopted in his present Motion, finding, on looking at that Amendment, that there was no real difference between them. The right hon. Gentleman agreed with him about its propriety, and as there was nothing but a verbal difference in the terms of the Motion, the right hon. Gentleman, with that courtesy for which he was distinguished, left the matter in his (Mr. Napier's) hands, stating that he would offer no opposition to it. The question was one of very deep interest to all parts of Ireland, and he thought it was one that might well claim the attention of that House, because nothing was of greater importance to the social prosperity and advancement of Ireland than the security of life and property, which, however they might differ on matters of particular policy, must be at the basis and form the substratum of all good government and civilisation; and nothing was of more importance than to make the administration of the law good and efficient, and to uphold the security of life and property. The Speech from the Throne had adverted to the state of those districts, and he thought he should be enabled to lay before the House such clear and unambiguous evidence as to the startling state of certain portions of the country, that it would lead the House to pause and consider in what way they might, in a fair and constitutional manner, remove those causes, and remedy a state of things which was at variance with their prosperity—at variance with the introduction of capital—at variance with industrial employment, and with everything that could be of value to either the owners or occupiers of land in that part of the country. In the course of the last year the grand jury of the county of Louth, through the noble Lord, their foreman, addressed a memorial to the Earl of Clarendon, then Lord Lieutenant of Ireland, calling attention to the system of organised crime which it was alleged demanded some earnest and searching system of investigation. The memorial suggested the sending down of experienced police officers to obtain a knowledge of the Ribband system; and various other suggestions were also made. He had afterwards got a return of the state of crime in the county of Louth alone, during a period of two years, selecting only those cases which were connected with the Ribband system. It was to that return he wished to call the particular attention of the House. They were the acts of a great confederation, which, if not put down by the law, would put the law down, and therefore this was a conflict with an organised conspiracy against life and property of the most startling description. The return for the county of Louth embraced from the 20th April, 1849, to the 29th December 1851, and contained twenty-three cases: they were all separate crimes of Ribband conspiracy, and included murder, shooting with intent to murder, waylaying, threatening notices, acting as members of the Ribband system, administering unlawful oaths, arson, the prevention of prosecutions for crime. Of these twenty-three cases there had only been in five instances convictions, and in all the others, the law as yet had not been able to overtake the criminals. Shortly before the meeting of the present Parliament a Special Commission was sent to Monaghan, and that Special Commission was pending at the time the present Session commenced. That Special Commission had been issued on the part of the Government, and showed clearly its consciousness of the peculiar state of criminality that prevailed in the district, and its readiness at that time to lend the powers of the law for the suppression of crime and outrage. That Commission was conducted with the greatest impartiality and ability. It would be improper to refer to anything which had occurred on that Commission, lest it might prejudice parties whose cases had still to be tried. His right hon. and learned Friend the late Attorney General, with the Solicitor General, for Ireland, attended upon that Commission, and he was bound to say that they had conducted the case with great ability; but the fact was, that no convictions were obtained, no attempt was made to try the parties since, and the cases which were left untried had been removed by *certiorari* to the Court of Queen's Bench, where they remained until sent down to be tried on the record side of the Court, where, by the present state of the law, there was the power of obtaining a better class of jurors. And here he begged to say, that he did not mean to suggest any imputation against the jurors on the Special Commission, but merely to mention the facts as they stood. Upon the occasion of that Special Commission the eminent Judge who then presided, and who was now Lord Chancellor of Ireland (with whose concurrence he begged to say he now brought forward this Motion), in his charge to the jury said—

> "It is but too true that a large portion of this, and of the adjoining counties of Louth and Armagh, are prevaded by a mischievous, most mischievous association; that Ribbandism, which is the name under which this association exists, prevails in all its horror and all its terror within that fated district.' He then referred, in connexion with Mr. Bateson's murder, to the assurance of protection and connivance which is secured for the murderer by the power of the Ribband confederacy, 'the severest scourge of the land.' Firstly, the sacrifice of life and injury to property; secondly, obstructing all improvement, repelling capital, and cutting of the sources of employment and industry. He then referred to the responsibility of those who extenuate the crime by speeches and publications."

He had a highly important document in his possession, which was submitted to the right hon. Baronet the late Secretary of State for the Home Department (Sir G. Grey), namely, a memorial which was signed by 126 magistrates of the three counties, including three lords lieutenants, the county Members, and twenty four deputy lieutenants. The memorialists, in fact, comprised nearly the entire body of the magistrates of the three counties, whose description of the state of matters there, founded upon an intimate local knowledge of those counties, corresponded with the accurate judicial statement of the present Lord Chancellor of Ireland. The memorial was as follows:—

> "TO THE RIGHT HON. SIR GEORGE GREY, ETC.
>
> "The Memorial of the undersigned Magistrates of the Counties of Armagh, Louth, and Monaghan,
>
> "Showeth—That a district containing portions of the abovementioned counties has for some time past been in a disturbed and lawless state.
>
> "That a succession of murders, attempts to murder, assaults, burning of houses, acts of intimidation, &c., have taken place within it, all marked with the same agrarian character, and evidently proceeding from the same secret conspiracy.
>
> "That this secret association possesses the sympathy of many, and has overawed the whole of the population to such an extent that evidence of the most atrocious murders perpetrated in open day can hardly be obtained, and that jurors, from whatever class empanelled, are too often either disaffected or intimidated. That the audacity of the conspirators has fearfully increased with their impunity, and that the conspiracy is rapidly extending into the neighbouring districts.
>
> "That the sympathy, and, yet more, the terror of the population is proved by facts which come under our notice daily, and are well known to the

authorities; such, for instance, as an unwillingness to render the common offices of humanity to the victim of assassination or outrage, and the levy of forced contributions for the purpose of defending agrarian criminals.

"That while we give credit to the Executive for their wishes and endeavours to enforce the law as it stands, we declare our strong conviction of its total inadequacy to meet a state of society never contemplated by British law.

"That we are persuaded we express the feelings of all respectable and well-affected persons of all classes in calling upon Parliament to enact such laws as may protect our lives and properties, deliver our population from an intolerable state of intimidation, and crush that secret conspiracy which is ruinous both to those who suffer from it, and to the interests of all ranks and classes of the country at large."

As to the Special Commission, the very case for which it issued still remained undecided, and that was only for Monaghan. Here it appeared that a secret conspiracy existed, which possessed the sympathy of so many as to overawe the entire population, so that evidence of murder committed in open day could not be obtained, and the jurors were either disaffected or intimidated. This was a fearful state of things in a country otherwise civilised and peaceable. Murders in open day—evidence not procurable—jurors intimidated—a Special Commission spending its powers without any conviction—another assizes passed by; no one put upon trial, the law apparently powerless. Surely, with a country in such a state, a grave, calm, dispassionate and searching investigation was required. It was no question of party upon either side. He had told the right hon. Baronet the late Chief Secretary for Ireland so, and had declared that he (Mr. Napier) would not stoop to degrade so important a subject as to make it subservient to party. He had no other object in view, when he took up the question while out of office, than to give his best aid to the Executive for the support of the law against this dangerous confederacy; and he had no other object now than to have a calm consideration of the subject with the same view. The Speech from the Throne noticed the fact of the existence of the evil, but there stopped short. Since Parliament assembled, additional crimes had been committed, and additional notices had been served. There was one case of a gentleman, whose name it would be, of course, improper to mention, who had received private information from an undoubted authority that two committees of Ribbandmen had sat upon his case, and condemned him to death, and that persons had been appointed to execute the decree. The facts of the case were these: there was a man who was the tenant of a small farm, and was himself a notorious Ribbandman. This man had been many years in arrear with his rent, and he was at length put off his land for these large arrears. After he quitted the land the result was that it lay waste, because no one would take it, from terror of the consequences. The man then wanted to return, and because the agent would not give him possession of the land again, he had been condemned to die. In another instance an English gentleman, who had, as many others had done, gone over with the beneficent design of introducing capital into the country, had taken land on the Blayney estate, on which the previous tenant owed 200*l*., all of which he had been forgiven, and 20*l*. had been given him to go away; and yet this gentleman had been served with notice of the usual sentence. Notices had been served on proprietors of the best character—on millowners giving employment, and on justices of the peace and others. There had been a notice to a gentleman on the 11th February (by private information), that his murder was *sub judice*. These cases were but a selection. He would now shortly state what was the law on the subject. A peculiar code of statutes had existed in Ireland from an early period, applicable to the crimes of secret confederacies. The 36th *Geo.* III., chap. 27, made the crime of conspiracy to murder a capital offence. This was not the case in England. The 38th *Geo.* III., chap. 57, made solicitation to murder also capital, and this also was peculiar to Ireland. On the late Leinster circuit a man had been found guilty under the former of these laws for a conspiracy to murder, and sentenced to death. But he would now come to the code of laws which was levelled more particularly against Ribbandism. These began with the statute 50th *Geo.* III., chap. 102, passed in 1810. And the present Lord Chancellor of Ireland, then Lord Chief Justice Blackburne, recently said, speaking of this Act—

"It refers to the administering of oaths or engagements, binding the persons, amongst other matters, to obey the orders, rules, and commands of any committee, or of any captain, leader, or commander, and not to reveal the taking of any illegal oath on discovery that such had been taken. No one can read the Act (says the Chief Justice) without seeing that it reflects the very crimes which are at the bottom of these disturbances, which led to the very state and condition of the country which has been unfortunately the cause of assembling you here to-day."

This showed what a continuous system it was, and that the system was not now springing up in Ireland for the first time, but that these crimes grew out of a secret confederacy—a great political organisation—which exerted its powers on every grievance, real or pretended, which it could get hold of through its extended ramifications. It was a mistake to say it was a land question, although he had no doubt it would get hold of land questions if it could; but it interfered with everything. It had its own code of laws, and the man who transgressed them was regularly tried and condemned, and executioners were appointed to put the sentence into execution. After the passing of the Act of 1810, great difficulty was found in administering it, owing to the obstacles that stood in the way of procuring evidence of the administration of illegal oaths. In the case of secret societies, previous to the breaking out of any overt act, the only evidence upon which the Government could rely was that of informers; but in the case of the secret societies to which he referred, it was so arranged that no one was admitted at the administration of an oath but the person who administered it, and the person who took it, so that there was great difficulty in obtaining any evidence at all upon that point. In 1816, therefore, the Insurrection Act was passed, which was temporary only in its operation, and was one of a stringent character, only justified by extreme necessity, after the ordinary remedies of law have been exhausted. The Act empowered the proclaiming of a county, and the holding of special sessions, to proceed without jurors; and people were compelled to remain in their houses at night. Next came the 4th *Geo.* IV., chap. 87, which is levelled against membership in such associations. "This (says the Chief Justice Blackburne) appears to me to have been levelled against the very state of things which prevails in your own county, and which has caused so much disturbance in it." The Chief Justice next referred to the 2 & 3 *Vict.*, c. 74 (Ribband Act), and observed that "This code of laws seems as if it had been prophetic of the present state of things;" and he added also, "Unquestionably the law is sufficient as it stands, provided that it can be executed, which it can only be through the instrumentality of the officers of justice." The 2 & 3 *Vict.* was continued in 1844, by the 7 & 8 *Vict.*, c. 78, to Sept. 1, 1845. In 1845 it was continued by the 8 & 9 *Vict.*, c. 55, which repealed the portion of the 2 & 3 *Vict.*, which made it criminal knowingly to have in possession or custody, without being able to account for the same, secret signs, passwords, &c. The repeal of that clause by the Act of 1845 had caused great difficulty in convicting persons who were detected with illegal signs or passwords, and it was proper to consider whether it should be restored. The clause, he thought, might be so modified as to obviate the difficulty referred to; but this would be matter for consideration by the Committee. The House would observe that the Chief Justice said, that if the ordinary law could be executed it was sufficient; but what he wanted to call the attention of the House to was the peculiar nature of the confederacy, which prevented the ordinary law from being executed. A clear apprehension of the nature and working of the Ribband system was absolutely essential to understand its influence on the administration of justice. It was necessary to get behind the scenes and see its operation upon witnesses and jurors. The House would then begin to understand how the law could not be executed. They would also be enabled to see more clearly whether means could not be found to remove those obstructions to the administration of the law, and whether the action of the law could not be placed in a healthy and vigorous state, so as to break down these confederacies, which he maintained should be the object of every one, no matter to what party he belonged. In the present state of Ireland it was essential that confidence should exist in the supremacy and power of the law; and, above all things, that there should be security for life and property. He had said before, and he would say again, that if they could succeed in establishing a complete security for life and property, there ought to be no reason why capital should not find its way into Ireland—why its resources should not be freely developed, and why those benefits which God had so abundantly bestowed upon that unhappy country so distributed as to promote the strength of the United Kingdom by the peace and happiness of Ireland. He would now notice the cases of this Ribband conspiracy which had been brought under the cognisance of the Irish Courts of Justice. After the Act of 1839, the Attorney General of that day, the late Lord Chancellor, Mr.

Brady, had commenced a series of prosecutions with great effect; and one remarkable case had occurred of a man named Richard Jones, for whom he (Mr. Napier) had been counsel, as he had been in other cases of the same class, and had thus acquired a little knowledge of the practices of the conspirators. He would observe that the case he referred to showed that the conspiracy was not confined to Ireland, but existed in England and Scotland; in Manchester, Liverpool, Birmingham, and Glasgow. One of the principal cases under the 2 & 3 *Vict.*, c. 74, was that of this Richard Jones—he was tried in Dublin, at the commission, before Mr. Justice Ball and Baron Richards, on the 29th of June, 1840. There was a great body of evidence produced on that occasion; their books, written in shorthand, their passwords, and various letters and communications. Mr. Justice Ball, in passing sentence upon Jones, said—

> "You have been found guilty of belonging to an organised body of persons of the working classes of the community, having its president and other officers, and holding its sittings from time to time in the city of Dublin. That association appears to have affiliated with it others of the same character in Great Britain and many counties in Ireland. It manifests, it is true, no defined objects; but it is possessed of an organisation capable of being applied to any purpose, however dangerous, requiring combined movements and unity of action. Such an association, so constituted and directed, no Government, deserving of the name, could suffer to exist in this country, if by legal means its destruction could be accomplished."

He would next read from the sentence pronounced in a similar case by Judge Crampton, July 23, 1842, at Armagh:—

> "You have been convicted of acting as members of a Ribband Association—an association which sets itself up against the law of the land—a secret, inquisitorial system, which acts unseen and unknown, and whose decrees are followed with the blindest obedience; which involves in danger both the lives and property of Her Majesty's subjects; asserting a supremacy in direct opposition to the laws of the land, tending to involve the public peace in the greatest danger, and threatening mischief of the most lamentable description, especially to the poor man. I find from the evidence that it exists, not merely in this county, or in another county, but in all counties—nay, that it exists in England and Scotland; and how far it is extended, or how old it may be, I know not."

Perhaps, however, the most graphic description of this confederacy might be given in the words of a man of whom Ireland was justly proud, and who had a large experience in the administration of the law in that country, and bore the highest judicial character—he meant the Chief Justice Bushe, who in 1832, presided at the Special Commission at Maryborough. There was, indeed, nothing which any one who wished to understand the true state and character of Ireland could read with more advantage than the celebrated charge delivered by that eminent and distinguished Judge upon that occasion. He said—

> "This mysterious engine of secret combination, shifted from place to place, continues to be wielded and worked by some invisible hand from time to time—now against one part of the island, and now against another. Yet those who have had the experience of many years of official and judicial life can assure you that it has never been able to stand against the venerable authority of the laws, vigorously and calmly brought to bear upon it."

He (Mr. Napier) had often conferred with this eminent Judge on the state of Ireland; indeed he might say—

> "Tam magnæ quæstionis pondus excipere, vix Hercule, auderem, si mihi mea sententia proferendum, ac non disertissimorum hominum sermo repetendus esset, quos eandem hanc quæstionem pertractantes juvenis admodum audivi."

A political organisation was applied to immediate agrarian subjects. He (Mr. Napier) could also state that he had a long conversation with the late Mr. Justice Burton on the subject, who had said it came to this, that either the Ribband code or the law of the realm must prevail—and that, in truth, was the issue now raised, and which must be decided one way or the other. He trusted that the law of the land would prevail, and believed it had a moral power which must in the end succeed if soundly and firmly executed. He would now mention some of the cases in which the law had been enforced, and the structure of the system of Ribbandism encountered by prosecutions in the ordinary course. The first great case was "Rex *v.* Keenan," Nov. 4, 1822; which was prosecuted under the 50th *Geo.* III., c. 102, for administering an unlawful oath. The prosecution was conducted by Mr. Attorney General Plunket, with the object—the legitimate object, as he (Mr. Napier) thought—of exposing the character and objects of the confederacy, in order to make it generally understood by the public, the conviction being regarded as a secondary matter. On that occasion it was discovered that the organisation of the confederacy extended far beyond the capacity of the persons ostensibly concerned; that while the persons who were ostensibly concerned were a low class, though above the pressure of want, so that it was not under the effects of distress that the confederacy was set on foot, there seemed to be other persons of a higher capacity and better station who wielded the organisation behind the scenes. It was remarkable that the admission and passwords proved on this trial were afterwards found in Louth, by Mr. Hamilton; a fact which strikingly showed the continuity of the system. Difficulty of prosecuting had arisen under this Act, then in force, and there had been a Committee in the House of Lords in 1824, which made a searching inquiry, and before which Mr. Blackburne, the present Lord Chancellor of Ireland, was examined, and there was probably no man living who was, from his experience, judgment, and discrimination, better qualified to speak upon that subject than that right hon. and learned Gentleman. In his evidence, on that occasion, Mr. Blackburne showed that the conspiracy was a conspiracy against the rights of property; that the object was to get possession of the soil, and that it was in nothing more remarkable than the tyranny it exercised over the lower classes, many of whom were not in a condition to exercise any degree of resistance. When they found persons in a higher class of life, in circumstances which might be supposed to enable them to resist such influences, yielding under the pressure of this desperate tyranny, he thought they ought to extend some feeling of compassion and sympathy to the humble classes who were subjected to the same influence. In many cases it was supposed that a whole neighbourhood was sympathising with murderers, when this apparent concurrence was in truth the effect of intimidation. This circumstance had been alluded to by Mr. Justice Crampton, and the witnesses who justified the Act of 1816—a very stringent measure—also urged the necessity of affording protection to the poor. He (Mr. Napier) thought this consideration should not be disregarded, but that they ought to adopt measures to protect the humbler classes from the stigma which was affixed to them by wholesale, when they were living under a reign of terror. In 1832 also a Committee of that House was appointed almost contemporaneously with the issuing of a Special Commission in Ireland. The number of cases tried by that commission was thirty-nine, out of which there were thirty-eight convictions. This number of convictions was explained by the fact, which was mentioned by the learned Gentleman who was at that time Attorney General for Ireland, that no cases were brought forward in which the evidence was not considered sufficiently clear to insure conviction. The Committee had reported in August: referring to the improved state of the locality in consequence of the Special Commission, they observe that associations make themselves masters of a locality before the enforcement of the law has produced a remedy. They likewise recommended a special sessions. In 1833 came the celebrated Coercion Act of Earl Grey, which expired in 1835. Confederacies had then revived in various forms. About this time there had been directions of the law officers as to not setting aside jurors, and the effect of this on trials had been most marked. Jurors were open to a variety of undue influences, not legally a cause of challenge. But the result of these directions had been so to restrain the Crown solicitors in the exercise of the right of the Crown, that they were afraid to exercise it. When his learned Friend the late Attorney General for Ireland had come into office, he had issued very proper instructions to the Crown solicitors to exercise the right at their discretion; which he (Mr. Napier) did not deem the less a duty than a right—a duty to be discharged uprightly for the proper administration of justice. The consequence of the abandonment of the right of setting aside by the Crown had been that the law had been quite inefficient, and such had been the increase of Ribbandism that there had been a Committee in 1838 of the House of Lords, which published evidence, but made no report. Major Warburton's evidence was peculiarly valuable, and confirmatory of the views of Lord Plunket and Chief Justice Bushe, already alluded to, showing that there was "an available organisation kept in readiness for any required purposes, and more political than agrarian." Mr. Plunket, a stipendiary magistrate, described it as of his own knowledge in Louth, Monaghan, Armagh, and Down, and Mr. Hamilton (Crown Solicitor), confirmed this. Mr. Hamilton also said, that the Ribbonmen make use of their society to effect arrangements for themselves as to land. Major Warburton said, it must have had some very able head to direct it, from the mode in which it worked judicially and executively, having its own code of laws. Mr. Tracy described it as "a deep and serious conspiracy against life and property." He might refer the House to a Digest published by Hatchard in 1839, taken from the evidence given before the Committee of the Lords in 1838. The effect of the repeal of the Clauses of the Act of the 2 & 3 *Vict.*, c. 74, which had empowered the conviction of parties having in their possession secret signs and symbols, had been, that parties who before it had been easy to convict, now escaped; and a remarkable instance had lately occurred of the escape of a large party of persons, arrested with signs and passwords; and so the conspiracies, which had been broken down before 1845, revived afterwards. It was sometimes said, that all these were results of not regulating the Law of Landlord and Tenant. A Special Commission had issued in 1848, and Chief Justice Blackburne, in his charge, stated the various crimes as the overt acts of unlawful confederacy, the principal object being "the destruction of the right of landlords." This is accomplished by fraud, violence, intimidation, and murder. He adds these words :—"And I hesitate not to say, that if the designs attempted to be effected by such means were accomplished, the necessary and particular effect would be, that the occupiers of the land must become substantially its proprietors." He said also that it was a very limited view to suppose it was merely confined to interference with land; and he added that, "if these practices be not arrested and prevented, it is impossible to say that there will exist in this country either the dominion of the law, or the safety of life or property." He (Mr. Napier) thought the soundest and wisest law that could be adopted to meet cases of this nature, was one which would nip such confederacies as he had described, in the bud, and check them before they broken out in any overt acts. Now it was sometimes said that the crimes to which he had alluded resulted from proper measures not having been adopted to regulate the relations of Landlord and Tenant; but he had observed that where offences of this kind took place, the tenants, with reference to whose possession or dispossession of property the crime was committed, were never of the class of tenants who would be benefited by legislation as between landlord and tenant. They were generally tenants who set a bad example in their neighbourhoods, who got into large arrears of rent, and who wasted the land. But, on the other hand, he must admit that whatever tended to keep up a feeling of discontent in the minds of the tenantry, gave great facilities for the extension of these organisations, and he had, therefore, paid great attention to much that had been said in that House with regard to legislation between landlord and tenant. They ought, in his opinion, either to say honestly that this was not a matter upon which they could properly legislate, or, if they thought in their consciences that something might be done consistently with the rights of property, they ought to do it. He had given his mind to the subject; he had determined, if he had remained an independent Member, to submit a measure to the House; and it was now his intention to submit to the Government with which he was connected the results of the considerations he had given to the question. He hoped, at no very distant period, to be able to lay upon the table a code of laws which, so far as was consistent with the rights of property, would simplify all the relations of landlord and tenant, and would do, at least, for the honest and industrious tenant as much as could be done by the Legislature for their relief. He could not help thinking that those who have been exciting the minds of the tenantry, and keeping them in a state of constant agitation on the subject of these rights, had contributed largely, though no doubt inadvertently and unconsciously in many instances, to the great organisation of conspiracy. There had been, unfortunately, a great deal of distress in Ireland; when there was distress there was usually discontent, and men were found who took advantage of this distress to advance their own views, without reference to other matters. What occurred to the tenantry in this respect, had contributed to enable this desperate organisation to extend its fearful ramifications in all directions. A great want in Ireland was capital to employ labour; but capital would never come into a country when its owners were liable at any moment to be dealt with so summarily, and when their life was in constant peril as well as their property. Ireland was by this means rendered almost incapable of improvement, and poverty was, consequently, perpetuated. Absenteeism was necessitated by the strongest possible obligation—that of saving life; and so virtue and honesty, and the reward derivable from honest labour, were extinguished wherever that formidable conspiracy had found a footing in that country. He believed that nothing was more important to Ireland under these circumstances than that the arm of the

Executive should be so strengthened by the law as to enable it to repress crime and punish outrage of every description. That, however, could only be effected by all good men of every class and religious persuasion seeking to find the means wherewith to give them strength. In the "Catechism of Tenant Right," published in 1850, it was described to be the duty of farmers to discountenance any person taking a farm from which a tenant is ejected, "as he who does so aids and assists the landlord in robbing the ejected tenant of his tenant-right, and shares in the spoil: they should make common cause with him, and render him pecuniary assistance if necessary." How the landlords were to be discountenanced, a series of the most atrocious murders committed within the last two years clearly showed. He should select a few of these terrible crimes to show the House the nature of the confederacy. On the 19th of April, 1849, two brothers, Roman Catholics—for it did not matter to the conspirators whether their predestined victim was Protestant or Roman Catholic—two brothers, who had been put into a farm as care-takers, the tenant having been ejected two years previously, were both murdered, in open day, one after the other. Then followed, in May 1850, the murder of Mr. Mauleverer, in Armagh. He (Mr. Napier), from all he could learn, was satisfied that the conduct of Mr. Mauleverer as an agent had in it nothing whatever to provoke his assassination, but that he was murdered simply in pursuance of the fiat of this confederacy. The person accused was brought to trial, but acquitted; the jury stating in substance that they believed him guilty, though they were obliged to acquit him because of the legal incompleteness of the evidence. There was, however, a curious circumstance stated in connection with the case—the man acquitted went to America, and there died, confessing his guilt. On the occasion of that trial the then Attorney General for Ireland, now the Chief Justice of the Common Pleas, graphically described the case in his opening statement on the trial, July 11, 1850. He said—

> "Mr. Mauleverer was an agent for several properties in this country, and in order to recover the just and legitimate rights of his employers, he was obliged to bring parties into courts of law, and in some cases to sue out ejectments. But he (the Attorney General) believed that this murder was the result of a foul and base conspiracy, and that the parties implicated in it had no connection with Mr. Mauleverer as an agent."

The next case was a murderous assault committed on a magistrate of the county Monaghan—Mr. Kenney—on the 15th October, 1850. The trial took place at the spring assizes following; but there was an acquittal. Then ensued the murder of Mr. George Coulter, a farmer and under-agent, killed on the morning of the 2nd May, going to the fair of Cross-maglen. He was first fired at and then mangled, receiving eighteen wounds in the head, twenty in the neck, and having his skull smashed. This took place about a mile from the scene of Mr. Mauleverer's murder, also near the scene of the murder of the Clarkes, about ten o'clock in the forenoon, on the public road. There was a great difficulty in the way of procuring evidence, and the accused parties were therefore admitted to bail in 10*l.* each; but they also went off, it would seem, to America. The unfortunate man who was murdered had taken a farm, from which the previous tenant had been evicted. That farm was occupied, after the murder, by the brother-in-law of the deceased; but he, too, was compelled toqu it it (notwithstanding he had spent money on the land) by threats and violence used towards him. Subsequent to this, the murder of M'Entaggart, a lad of nineteen years of age, took place on the 15th of June, 1851. He was going to chapel on Sunday morning, about eight o'clock, with his sister, along the line of the railway, when three men attacked and beat him so that he died, though the sister threw herself on him. His father was obnoxious from having had his farm increased by adding another which tenants had given up, having been compensated. One of the witnesses of the accused admitted, on cross-examination, that a Ribband lodge met at the house where he lived. He did not appear at the second trial. The case was tried at the summer assizes. The jury were all Roman Catholics; seven record jurors (independent) for convicting, five Crown jurors for acquitting. The second trial took place on the 7th of August, by an inferior class of jurors, at the adjourned assizes, and the prisoners were acquitted. Nothing could be more injurious to the administration of criminal justice in Ireland than the supposition that an inferior class of persons, liable as they were to the influence of intimidation or of sympathy, were sufficient to try criminal causes which lay at the root of life as well as the possession of all property; while jurors of a higher class were only called on to decide in civil cases, involving, perhaps, a few pounds. In his opinion, the jurors should be as respectable for the one side of the Court as for the other; and he did hope the Committee would recommend an alteration in the jury law which would have the effect of enforcing such improvement. A singular circumstance took place on the second trial. One of the jury, on coming out of the box, it is said, shook hands with the accused, who said in open Court, "I'm the boy that did the job." The next case he (Mr. Napier) should refer to was the murder of Mr. Bateson. This took place near Castleblayney, on the 4th of December, 1851, at half-past four o'clock in the afternoon, on the open road. Mr. Bateson was coming from a model farm, on which he had expended 460*l*. in employment alone during the previous four months. There was no proceeding for the recovery of rent on his part: nothing like harshness attributed to him. Three men fired at him and missed him; he was, however, speedily knocked down, and received twelve wounds on his head, of which he immediately died. This was the testimony of a local paper opposed to him in political opinion: "A good man, one of the best, perhaps, in Ireland, has been sent to his account by the hands of assassins. He gave labour to every tenant who chose to work, summer and winter." The next case was that of Mr. Eastwood, December 24th, 1851. Three men assailed him near his residence, and though he bore a high character for benevolence and attention to the comfort of his peasantry, he nevertheless narrowly escaped with his life. After this came the case of Mr. Chambre, which was remarkable in every sense. He was attacked on the 25th of January, 1852, at about a quarter-past five o'clock, coming from the Petty Sessions. The attack took place about five miles from the scene of Mr. Coulter's murder, about six from that of the Clarkes, and about eight from that of Mr. Mauleverer. His servant and brother were on the car. He was fired at from behind a ditch, and struck by twenty-four pellets. One eye was destroyed, and the vein and artery in the neck were both cut. There were six men engaged in the attack, because it was known that he carried arms on account of a notice received. Mr. Chambre, his servant and brother, each had a case of pistols and a dagger. The assailants were armed with three blunderbusses and three bludgeons. Mr. Chambre had never dispossessed a tenant, and he had expended 600*l*. out of 1,000*l*. a year in labour amongst his tenantry. Ribbandism abounded in the neighbourhood. Two persons were committed by Mr. Chambre for writing threatening notices. Some had been taken up two months before with the Ribband papers; but as the law had been altered, they were liberated as in Antrim. There were five houses near where Mr. Chambre was shot. One of the occupants refused to allow Mr. Chambre to be brought in, and all the doors were shut from that place to his own home, which was at the distance of a mile and a half. The House would observe that in all the cases he had mentioned, the law had not reached the murderers, whether put in force at the ordinary assizes, or by means of a special commission, which was generally supposed to be effective in quieting the country. No doubt his (Mr. Napier's) right hon. Friend the late Attorney General for Ireland had exercised a sound discretion in postponing the trials of the accused; but he hoped that all the cases would be ready by the next assizes. It was a fearful state of things that all these murders should be perpetrated, and that no one of the murderers should be brought to justice; that this terrible confederacy should be still rampant, and nothing done by Parliament to put it down. As regarded the counties in question, there existed a reign of terror to an extent that no one would believe; and its demoralising influence had spread to the class from which the jury lists were constituted. There was in the small towns a regular levy upon the shopkeepers for the defence of persons accused of these murders, and refusal to contribute was out of the question, as it might be followed by assassination. The farmers, were in the same way coerced; and thus the vengeance of these few bold, bad men, bade fair to be destructive of the rights of all classes of society in Ireland. He would read an extract of a letter which he had received from a magistrate of the county Louth, and the House would judge for itself. This gentleman had, he (Mr. Napier) should state, devoted his time and attention to the interests of his tenants, as the extracts in question would show; and his opinion, as a man of experience, was most valuable:—

> "You know what a constant resident I have ever been, and how I devoted my time and means to the improvement of my tenantry and to their comfort. To meet the times, I, more than two years ago, reduced all my rents in both this county and Monaghan. By a valuation the rent was so arranged that, according to the corn

averages of three years, the tenant should have two-thirds of the value for himself and his labour, and I but the value of one-third of my land. The average was taken when corn was lowest; and yet such is the organisation and intimidation in some districts that I know those who, though not only able, but willing to pay, dare not. And as to taking measures to enforce it, that is out of the question; for, as my bailiff said, 'no keeper would be allowed to live a night in it.' Some additional military and police have been sent into the districts; but that cannot reach the root of the evil, as was proved by poor Chambre's murderous attack. The Ribband system is at the bottom of all, and some Act to reach it must be passed. In all agrarian offences the venue must be changed from the county in which they occur; for even if the jurors were faithful and fearless, and disregarded threats, the bloody menace would be addressed to their wives and families, and, to my knowledge, have been; and who can stand that? With such examples as poor Mauleverer, Coulter, M'Enteggart, Bateson, Eastwood, and Chambre, &c., all unavenged by the law—I would have the venue changed; but let the law triumph."

Before they could improve the condition of Ireland they must render the security of life and property to be certain, as that was the basis of society, and a necessary condition of civilisation. But here the influences of confederacy had demoralised society, and uprooted the rights of all classes alike. He did not think the Committee would take very long to discover the truth, nor would he propose to embarrass them by a number of petty witnesses; but the Earl of Clarendon had sent down to these districts a very active magistrate, Major Warburton, and a most intelligent gentleman, who had paid much attention to this subject, Major Brownrigg, and they could state their views and afford the Committee much valuable information. At present, however, there was one evil which all were aware of—the intimidation of the juror class, on which subscriptions for prisoners were often levied by compulsion, and which was sometimes implicated in these very offences—for instance, one of the men who had the return of the jurors had to stand in the dock himself at the last assizes; and the barony constables were also exposed to much violence and bribery. The only way to alter this state of things was to have a higher class of jurors, and, by means of the poor-rates, they could hope to get lists of persons with sufficient property to place them above the reach of intimidation and bribery. It might be considered, also, whether power should not be given to the Court of Queen's Bench, where certain undue influences and tyranny were shown, to remove the trial to another place. On this point he wished the Committee to consider the evidence of the officers of the Crown with respect to the state of the law, and the nature of the testimony required, as well as with reference to the desirableness of changing the *venue*. In conclusion, he could only say that he expected from every party in the House a cordial and unanimous concurrence in administering the law between the Crown and the subject, in securing life and property, in vindicating justice, in giving to Ireland a full opportunity for the development of her industrial resources, in affording to the industrious tenant the protection he required for his labours, and in granting safety and aid to the loyal and peaceful subjects of the Crown. There was nothing he would not endeavour to do in order to make the law respected and powerful, and to put down this terrible system of crime and outrage, which not only interfered with the prosperity of his native country, in which naturally he took the deepest interest, and inflicted a serious injury on Ireland, but which must prove fatal to the prosperity, peace, and progress of the United Kingdom.

Mr. HATCHELL said, he did not rise with the intention of offering the slightest objection to the Motion which his right hon. and learned Friend had made in such a fair and dispassionate manner; but it occurred to him that whatever remedy might be suggested to meet the crime that had prevailed in these districts of Ireland, might equally be extended to the other parts of the country where similar offences should be committed. The crimes and outrages to which his right hon. and learned Friend referred were not of late growth, but the secret society which had been alluded to had, unfortunately, existed for the last thirty years; and the history of Ireland told them that in the Liverpool and Grey Administrations, efforts had been made to quell those disturbances, sometimes by extraordinary powers under temporary statutes, and more frequently in latter times by keeping within the limits of the existing laws, and by the issue of Special Commissions. Every Crown prosecutor had considerable difficulty in making the law available to repress crime; and a variety of influences and much misrepresentation rendered it most difficult at the present day to obtain convictions. With respect to the Special Commission for the county of Monaghan, recently issued, he could only state that the result of that proceeding rested on his responsibility as late law adviser of the Crown, and not on the Lord Lieutenant. An urgent demand had been made upon the Irish Government by the gentry and the magistrates to put down these atrocious crimes, and when the case was referred to him by Lord Clarendon as to whether the cases for trial were such as to justify that course, he found the evidence so clear for a conviction, that he advised the proceeding of the Special Commission; but although the prisoner was indentified by two witnesses, and twice tried, the jury would not agree; and as to some of the outrages in Monaghan and Louth, he had thought it advisable to transfer the cases to the Court of Queen's Bench to be tried next assizes, either at the bar of the Court, or by a special jury, or with a change of *venue*, which the Court of Queen's Bench could order even now. On the first trial for the murder of M'Taggart, the jury could not agree; an adjourned assizes were held, the man was put on his trial a second time, when a new witness was produced, and the sister of the girl who was the principal witness against him—the sister of the man for whose murder the prisoner was in the dock—came forward and contradicted the evidence of the girl, and the man was acquitted. In the case of Mr. Eastwood, he was so much injured he could not become a witness; and, acting on the right of the Crown, he (Mr. Hatchell) had postponed the trial, and in the meantime the right hon. Gentleman opposite could remove the case by *certiorari*, so as to have a jury in whom confidence might be placed. In like manner his right hon. Friend having come into office thought it advisable to postpone the cases in Armagh. He had not made these statements for any other object than in justice to the office he had held, and to public opinion, to explain the part he had taken with regard to these murders and atrocious outrages. His right hon. Friend had done him full justice in that respect, that the case at Monaghan had not failed for want of due exertion on the part of the law officers, but from other causes; and he admitted that his instructions to the officers of the Crown had differed from those of his predecessors, for he had thought himself warranted by the state of the country in giving them directions to set every juryman aside whom they suspected to be under the influence of fear, favour, or intimidation, or to be otherwise ineligible from any known sympathy with the offences which disgraced and disturbed the country. And yet, after all, Government had failed to obtain a conviction. Perhaps something might be suggested in the Committee to meet this crying evil, arising from the Ribband system, which was a conspiracy existing among the lower orders for more than thirty years, not for any particular object, but for various illegal purposes as occasion for putting its powers of organisation into force; and he certainly hoped that the inquiry, unlike many that had taken place on Irish affairs, would end in some proposition beneficial to the country.

Mr. HALLEWELL said, he must express his satisfaction that this inquiry had at last been determined upon. No question demanded more consideration than the case of Ireland, affecting as it did not only the moral and material improvement of that unfortunate country, but its character as a civilised community. No other country in the world presented such a state of society, nor was there any in which such lamentable occurrences took place. He would not go into the details of these crimes, or make any comment upon the causes that led to them, but would content himself with observing, that without the supremacy of the law no solid fabric of social order could be erected, and that unless the law became a terror to evil-doers they would become a terror to society.

Mr. TORRENS M'CULLAGH said, he sympathised with a great deal that the right hon. and learned Gentleman had said about the lamentable effects of the Ribband society in Ireland, and the prevalence there of horrible outrages. All must feel that their discontinuance was not only essential to the welfare of the people, but to their progress as a community. But the House was bound to bear in mind that equality of character and of order in the eye of the law never yet had been obtained by nations gathered together as those three Kingdoms were under one state of law, unless the spirit of the laws affecting those Kingdoms were really and substantially the same, unless rich and poor were protected in the enjoyment of the same rights, and placed on the same footing. The neglect of this question had tended very much—not to originate or wholly account for, but—to aggravate the state of things which his right hon. Friend had described. Last Session there had been several discussions about the modification of the tenant laws; and certain restrictions upon what were considered the rights and liberties of the tenant, as against the proprietor, were proposed to be enacted in form of law; and that was done. Many hon. Gentlemen urged on the Government of the day the necessity of rendering more stringent the means for the recovery of rent; and the Government had been very strongly pressed to get rid of that portion of the Statute law—the right of the tenant, when he had not a lease, to be served with a notice to quit. The right hon. and learned Gentleman (Mr. Napier) had urged anxiously and earnestly on that occasion that there was no necessity for the Irish tenant to be placed on the same footing as the English tenant. Unfortunately the remonstrances were unheeded; the Statute Law was changed; the right of the poor man was taken away by an overwhelming majority. Since that bold and fundamental check and guard of the tenant's liberties had been removed, 185 families had been sued and decreed in ejectment in a single county—one of the counties included in that district which the right hon. and learned Gentleman described as so limited, but which included two other counties as well. The attention of English Members might be startled at this; and he had a right to claim from them a very dispassionate consideration, not only of the immediate and proximate causes of the outrage, and the failure of justice that had ensued; but of the latent, predisposing, and aggravating causes, namely, the fear of distress, which oppressed the class in the occupation of land. His right hon. Friend had said he thought the Committee ought to be appointed with a view to debate remedies in the coercive sense, to strengthen the arm of the Executive, without which he considered it impossible that law and order could be maintained effectually. [Mr. NAPIER said, that was a mistake.] He (Mr. M'Cullagh) said, that if it was not to be appointed for the purpose of preparing or suggesting remedies, he presumed it would be strictly a Committee of Inquiry. He thought the right hon. and learned Gentleman had limited the class of witnesses to be called before that Committee to the exclusion of others. The right hon. and learned Gentleman had designated two excellent officers, Major Warburton and Major Brownrigg, to neither of whom anybody would object; but he seemed to give them as a sample of witnesses to come before the Committee; and, under all the circumstances of the case—with the lamentable discontent existing in this part of Ireland on the subject of agrarian differences—he did not think it would answer one good purpose if they consented to appoint a Select Committee of Inquiry, simply for the purpose of examining witnesses in the sense and spirit which he understood his learned Friend to propose. Without following the right hon. and learned Gentleman through the various historical illustrations he had adduced, he might be permitted to make one or two observations. No one respected more the talents and judgment of the present Lord Chancellor of Ireland than he did; but if his memory did not deceive him, the present Lord Chancellor of Ireland, in the very appendix which his right hon. Friend quoted, gave the most vivid description which it was possible for words to contain of the root of this fearful matter. Therefore he did not think it quite fair for his right hon. Friend to give an authority only so far as served the purpose of further coercion. But the present Lord Chancellor of Ireland was one of the Judges who were sent on a Special Commission to Limerick in 1847, when a worse state of things existed, if possible, than now. He was then Chief Justice Blackburne, and he presided over the Commission to repress outrages in Limerick, without any increase of the coercive power of the law. Now, Limerick had been tranquil from that time to this. He (Mr. M'Cullagh) urged upon the House not rashly to receive the impression which had been sought to be made upon them; and he trusted it would not go forth that they were unanimous in the opinion that it was necessary to change the fundamental principle of the criminal law in Ireland, because for a limited period in a limited district it so happened that there had not been convictions. There was another matter on which he thought it right to guard English Members from being hurried away too hastily. He appealed to every man of common sense and justice, whether in the case that he was going to state, if he had been on the jury, he would have ventured to hesitate less than the jury did. The jury in the case tried at Monaghan on the murder of Mr. Bateson, about which so much had been said, turned entirely on the question of identity. The jury contained the names of four justices of the peace and of other persons of large property in the district. Of these twelve men, nine were for acquittal, and only three for conviction. [" No, no!"] He would place in the hands of any hon. Gentleman who doubted it the confidential letter which had been placed in his hands.

In the second case, the jury was also composed of persons of property; that jury was divided in the proportion of seven to five, seven being for acquittal, and five for conviction. The question all through was a question of identity, and he had the assurance of a gentleman who was wholly unconcerned, that if he had been on the jury he should not have felt himself justified in giving a verdict of guilty. He did not intend to raise any question about the appointment of the Committee, but he thought it his duty to dissent from some of the observations that had been made, and to say that without going into a consideration of the causes which led to these outrages, they would not succeed in putting them down.

MR. GROGAN said, he had listened with considerable pain to the speech of the hon. and learned Gentleman who had just spoken, as he could not have thought that any Gentleman in that House would have justified the outrages that had been committed. He did not think that anything could justify those outrages. The Committee was intended to investigate the question, but he did not think that anything could justify murder and perjury, and the other crimes that had been committed.

Select Committe *appointed.*

The House adjourned at Eleven o'clock.

HOUSE OF COMMONS.

Wednesday, March 17, 1852.

MINUTES.] NEW MEMBER SWORN.—For Londonderry County, Thomas Bateson, Esq.

PUBLIC BILLS.—1° Friendly Societies (No. 2).

2° Pharmacy; Municipal Corporations Acts Amendment; Common Law Fees Regulation; Indemnity; Consolidated Fund (8,000,000*l.*)

MANCHESTER AND SALFORD EDUCATION BILL.

Order for Second Reading read.

MR. BROTHERTON said, in asking the leave of the House to read this Bill a second time, he would not occupy its time by expatiating upon the importance or on the necessity of a scheme of education. It was admitted on all hands that it was most important and necessary that education should be extended in this country. But he would frankly state the circumstances in which he was placed, and the origin of the Bill. It was a measure originating with the inhabitants of the boroughs of Manchester and Salford, among whom there were three parties all immediately interested in promoting the cause of education, but who happened, however, to differ as to the best means of accomplishing their ends. The Bill at present under discussion was promoted by a very large proportion of the ratepayers of these boroughs. The three parties to which he had alluded, were—first, those in favour of a combined religious education; secondly, those in favonr of a secular system; and, thirdly, the upholders of a voluntary system; the first-named being those who were promoting this Bill. The present Bill was supported by the great majority of the ratepayers in both boroughs, 40,000 of whom had petitioned in its favour, namely, 31,000 and upwards in Manchester, and 8,500 in Salford. The town councils of both boroughs had met to consider the subject; and he was bound to admit that, at a recent meeting of the town council of Manchester, after a long discussion, the Bill was rejected by thirty-four votes against twenty-two. In Salford, the result had been different. There the principle of the Bill had been affirmed by seventeen against fourteen; the seventeen who voted in the majority being assessed at 9,243*l.*, and the fourteen forming the minority at 1,826*l.* So far, at least, as Salford was concerned, not only was the majority of the council, both in numbers and rating, in favour of the Bill, but a majority of the ratepayers had petitioned to be taxed for the purpose of providing for the education of the working classes. And though in Manchester the majority of the town council objected to this particular measure, they had expressed no opinion adverse to the principle of imposing a rate for educational purposes. It was objected that the Bill was for a public object, and that legislation on the subject should be general. But the fact was, that the promoters of the Bill, however anxious they might have been on the subject, despaired of any general measure that should be applicable to the whole kingdom; and feeling how urgent was the necessity in Manchester and Salford that something should be done, had, after much consideration, brought forward this scheme, which was acceptable to the great body of the ratepayers, and which they conceived did not infringe in any way on the rights of conscience. Should the House consent to the second reading, there were certain courses which might be pursued. First, the Bill might be referred to the Committee of Selection, who would appoint those Members on the Select Committee who were best qualified to deal with the details, and who would give full consideration to any objections that might be urged; and afterwards, when the Report was brought up, it would be competent to refer the Bill then to a Committee of the whole House, and treat it in all its subsequent stages as a Public Bill. Or, after the second reading, it would be quite practicable to refer the whole subject to a Select Committee upstairs to receive evidence, and to prepare such a measure as would be generally acceptable to the people, and which might become a pattern for other large towns wherein a similar desire to educate the working classes existed. The objection as to the purpose of the Bill being a public one, was, therefore, no ground for refusing to read it a second time. The parties were willing to bear the expense and to submit to a tax for educational purposes; and he thought they deserved immortal honour for the noble example they had in this respect set to the rest of the Kingdom. The proposal for raising a compulsory rate had been objected to—but who were the objectors? Those who were in favour of the secular system were also in favour of rating, and the majority of those who would have to pay in both towns were not only willing, but expressed a desire to be rated for such a purpose. There was one party only who, on principle, could object to the Bill, namely, the advocates of the voluntary system. But that party was opposed to any legislation for educational purposes whatever, conceiving that voluntary effort was sufficient; so that whatever decision the House might ultimately come to could have no weight with them. With regard to the decision of the town council of Salford, he considered it so important that, with the permission of the House, he would read the resolution in which it was expressed. It was in these terms:—

> "Inasmuch as two schemes are now before the public, and are about to be discussed in Parliament, having for their object the better education of the children of the working classes, and both based on the principle of a public rate, the council, admitting that there is great need of increased means of education for the working classes, consider it desirable that those means should be supplied by a public rate, to be limited in amount, and to be under local management."

Here, then, they had the majority of the ratepayers and of the town council declaring their opinion that there was a necessity for increased education, and expressing their willingness to provide for it by a rate; and this it was proposed to do in a way that would not infringe the right of conscience. On the subject of remuneration, he might mention that that would depend on the number of scholars—the pay would be in proportion to the work. In conclusion, he begged to move that the Bill be read a second time.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

MR. MILNER GIBSON regretted to say he must take a somewhat unusual, though not, he apprehended, an irregular course, with regard to this Bill. He proposed to move, as an Amendment to the second reading, a resolution to the effect that a Committee be appointed to inquire into the state of education in the municipal boroughs of Manchester and Salford, and certain adjacent townships; and whether it is advisable to make any further provision for the education of the inhabitants of such boroughs and townships by means of local rates. In the first place, it appeared extraordinary that this subject should be dealt with by a Private Bill. He admitted that the measure, being confined in its application to a particular locality, did possess the distinctive character of a Private Bill; but though that was so, he thought he could show that the object of this measure was of that nature that it ought to be provided for by some general laws applicable to all localities, as was done in the case of Enclosure and other Bills of a private nature, for which Parliament had to prevent the undue accumulation of its private business, and, to secure uniformity, framed a code of regulations applicable to all cases. For consider what a serious impediment it would be to the ordinary business if every town in England came to Parliament with its particular Education Bill, calling upon them to enter into the consideration in each particular case of a question involving religious controversy and differences, which it would be impossible to dispose of satisfactorily without great difficulty and prolonged discussion. The reasonable and the prudent way to deal with this question of education was for Parliament to decide on the general principles which should be applicable to the whole community; each particular locality could avail itself of the general law, by confirming to the particular conditions therein contained. On this ground he thought he had a fair argument against the attempt to legislate in the present instance by a Private Bill. If the House now agreed to the second reading of this measure, it would give its assent for the first time to a most important principle of public policy—that was, that free schools for religious and secular teaching should be supported by public rates. This was a perfectly novel principle in England, and involved a change of public policy so great as had scarcely ever been attempted without the preliminary of Parliamentary inquiry. He felt, therefore, that he was making no improper demand when he called for such preliminary inquiry. He would rather that the Committee he proposed to move for should have more general powers of investigation than his resolution would give them; but he had so limited the terms of his Motion, thinking it would be more likely in that form to find acceptance, and have a useful and practical result. If he proposed an inquiry into the state of education throughout the whole kingdom, he felt that it might continue for so long a period as to be comparatively useless for the present object, and render him open to the charge of desiring to get rid of the question by a side wind. His hon. Friend the Member for Salford (Mr. Brotherton) had told the House of the opposition the measure had met with from the corporation of Manchester, and of the opinion which had been given indirectly, as it appeared, by that of Salford. But the House should remember that the resolution passed by the corporation of Salford was merely an abstract declaration in favour of providing for education by means of local rates, and had no particular reference to the Bill now before the House, which involved not only the levying a rate for educational purposes, but the important proposition — whether they were prepared to support all kinds of religious teaching, and to train up children in the Roman Catholic religion, the Protestant religion, and in the religion of all the various denominations of dissent, by means of public rates? On this question the corporation of Salford had never given any opinion. This was, in fact, one of the leading and most important principles of the Bill—that it proposed not merely to apply the rates to some kind of instruction or education, but for the purpose of teaching all forms of religion as far as they were contained in the Christian faith. They were told by his hon. Friend that the promoters of the Bill did not wish to interfere with the rights of conscience, or to act unfairly towards any portion of the ratepayers; but although there were undoubtedly provisions for schools connected with the various religious denominations, there was a body—and, in Manchester, not an inconsiderable one—for whom there was no provision made in the sense intended by the hon. Gentleman—he meant the Jews. The only provision for the Jews in the Bill was, that they were to pay the rate. The provision for the Roman Catholics, too, was this, namely, that they might avail themselves of schools built in destitute districts by the ratepayers at large, and themselves amongst the number, upon one condition. That condition was, that they should consent to have their children instructed in the authorised version of the Holy Scriptures. Surely that was not consonant with the principle laid down by his hon. Friend, when he said that he did not wish to invade the rights of conscience, for it would put it out of the power of the Roman Catholics to avail themselves of those schools at all. He (Mr. M. Gibson) did not think it was necessary for him to go through all the provisions of the measure; because, as his hon. Friend had pointed out, the better course would be for the House to confine themselves to its leading principles; but he thought it was not a mere matter of detail thus to limit the voting of the rates to such schools only as were of a purely religious character, because he believed the promoters of the Bill would not waive that most important principle. In speaking of those Gentlemen, he could conscientiously agree with his hon. Friend in saying, that they deserved great credit for the efforts they had made, for the expenditure they had incurred, and the labour they had devoted to this momentous subject. He should certainly regret very deeply, though he differed from them to some considerable extent, if those labours were to be of no avail. He thought that to have the results they had arrived at placed on record, in an authoritative form before a Committee of that House, would best meet their views, while it would at the same time relieve other parties from the necessity of entering into an expensive and perhaps painful conflict with them, such as would ensue if they were to be heard by counsel before a Private Bill Committee. Those parties, if the plan he recommended were adopted, would be able to state their opinions as to the policy of any course that might be suggested without the necessity for that strong antagonism and those rancorous religious conflicts that he feared might arise if the measure came before a Committee as a Private Bill; and, he repeated, it would prevent those expensive proceedings that must ensue in a case like this, where the corporation of Manchester would be certain to use their utmost efforts, in conformity with the resolution that they had adopted, and as the representatives of the great body of the ratepayers, in opposing the Bill. All these disagreeable consequences would be saved by the course he had pointed out; and he did not think that the promoters would have any right to complain that they had been unfairly dealt with, nor would the expenditure which they had incurred have been for nothing. He hoped the House would understand, that it was not from any hostility to the plan of supporting education by local rates, that he asked them to agree to the Amendment. He was himself disposed to favour a plan which he believed would not be very acceptable to many hon. Gentlemen in that House, but it corresponded at all events with the plan of local rates. Every Gentleman in that House would feel that in the present state of public affairs, it was almost impossible that a measure of this kind could pass into a law this Session; and therefore the interests of the promoters would be best served by not pressing it forward, for it would surely be much better to reserve the subscriptions they had raised for another day, than to expend them now in a fruitless Parliamentary conflict. The petition which he (Mr. M. Gibson) had presented that day would show that the petitions in favour of the Bill were obtained from no desire, he was sure, on the part of its promoters to mislead those who had signed them, but from a perhaps unavoidable misconception of its nature. The petitioners stated that they had signed the previous petitions under an impression that they were signing petitions for the promotion of a general national education. There was another plan which had also been most elaborately promoted in Manchester and in other parts of the country—namely, a scheme of secular education. That plan had been supported by a petition from Manchester, signed by no fewer than 60,000 persons; and he mentioned this merely to show that there were rival schemes which had obtained great favour with the public—a circumstance that surely furnished another strong argument to prove that there should be a deliberate Parliamentary inquiry before they sanctioned the principle of the present Bill. He hoped that they would do him the credit to believe that he had acted *bonâ fide* in the promotion of the object of the measure; and he hoped that the hon. Member for Liverpool (Mr. Cardwell), who had taken a great interest in it, would see that, the mere pressing the second reading, if it should afterwards be suspended, was not so legitimate a course as to have a preliminary inquiry. If it was intended that the second reading should only be *pro formâ*, then those very words *pro formâ* would show that the House was unwilling to recognise the important principle of the measure. The House, therefore, ought not to agree to any plan before they had had a Committee, so that a good measure might be introduced by the Government of the country in some future Session.

MR. ROEBUCK said, he seconded the Amendment on much narrower grounds than those taken by the right hon. Member who had just sat down, but which he thought it was quite impossible that they could overlook. He had objected the other day for the same reasons to the Bill proposed by the corporation of the city of London; and he was really anxious to know what line they were to draw between Public and Private Bills if this was a Private Bill? They had in this Bill questions involving principles of the widest importance, and in which the whole country was deeply interested. For his own part, he had no very great objection to the measure, for he had a great desire to see the cause of education forwarded, and he was quite prepared to support a rate for educational purposes; but he did object to the form in which the Bill now appeared before the House. He thought that there was such a strong technical objection to it that it ought to be stopped *in limine*, and not be allowed to proceed to a second reading at all. He might as well bring in a Bill to alter the law of succession within the borough of Manchester—that would only apply to the locality—and would be as much a Private Bill as the one before them. And by the same rule he might bring in a Private Bill to alter the law of murder within that borough; indeed, the whole administration of the criminal justice of the country might just as well be changed in the same manner. The hon. Gentleman (Mr. Brotherton) had taken credit for not having opposed the presentation of petitions against the measure, and said that he might have enforced their being sent to the Private Bill Office, as he understood from his hon. Friend (Mr. Bright) had been done with some other petitions. He could understand cases where the regulations respecting Private Bills might be expedient; but there was no private interest concerned in this. The interests of all were involved; but how could they ask a poor man to go before a Committee of that House and vindicate his rights? But if they made it a Public Bill, he could be represented by hon. Members. Every hon. Member was, in fact, the representative of everybody whose interests were concerned, and they could discuss it, or oppose it, as they thought best; but if it were made a Private Bill, how could he (Mr. Roebuck) go into the Committee to oppose it, unless he happened to be selected to sit upon that Committee? He would ask the right hon. Gentleman opposite (Mr. Walpole) how he could allow such a measure to be brought in as a Private Bill, which touched the rights and affected the consciences of the people at large? He (Mr. Roebuck) certainly thought that such a Bill ought to be required to go through the solemn ordeal to which all public measures were forced to submit.

Amendment proposed—

"To leave out from the word 'That' to the end of the Question, in order to add the words 'a Select Committee be appointed, to inquire into the state of Education in the municipal boroughs of Manchester and Salford, and in the contiguous townships of Broughton, Pendleton, and Pendlebury, and whether it is advisable to make any further provision, and in what manner, for the education of the inhabitants within such boroughs and townships, by means of local rates to be raised within the same,' instead thereof."

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. WALPOLE said, he was anxious to state very early in the discussion the individual opinions that he entertained on the subject before the House, and also, in answer to the hon. and learned Gentleman (Mr Roebuck), to explain the views which he thought should be taken as to the distinction existing between Public and Private Bills. In his opinion great credit was due to the hon. Gentleman (Mr. Brotherton) and to the promoters of this Bill, for endeavouring to provide for the education of the humbler classes in two such populous and important towns as Manchester and Salford. They were doubly entitled to credit, inasmuch as they had endeavoured to found the education they proposed to give upon a religious and not upon a secular basis, and they had endeavoured to do this by interfering as little as possible with the rights of conscience and the honest conviction of the religious denominations within their districts. But, with every desire to assist the promoters of this measure, he thought that the House ought not to sanction the second reading of this Bill. He thought they might reasonably sanction the Amendment of the right hon. Gentleman (Mr. M. Gibson), provided he would leave out a few words at the end, which affected a great public principle. With regard to the observations of the hon. and learned Member for Sheffield, he must say that he thought he had a little overdrawn his case, when he said that this measure did not come within the definition of a Private Bill. There were many cases in which great public principles were dealt with by Private Bills, but they were not deemed public measures. The Standing Orders set forth that all Private Bills to which the Standing Orders were applicable, should be divided into three classes. The first class comprised measures of a general public character, relating to burial grounds, building and maintaining churches or chapels, paving, lighting, and improving cities or towns; Crown, church, or corporation property, fisheries, enclosing and draining land, poor-rates; and the third class included gaols, letters patent, and incorporated companies. Now these might all involve the consideration of great public principles, although they be treated as Private Bills. He did not therefore object to this Bill because it was a Private Bill, but on the ground that, being a Private Bill, it established a great public principle, which, if applied to the boroughs of Manchester and Salford, might, and probably would, be made use of as a precedent for applying the same principle to other populous towns where the ratepayers might not be so anxious to have the principle applied. Recent experience had shown that the clauses of Private Bills had been made use of as precedents, and as justifications for great public measures. He need not advert more particularly to this subject, but hon. Members would remember some discussions last year, which showed that you must not hastily adopt a public principle in a Private Bill, as it might be made use of on some future occasion; and the importance of the principles admitted into Private Bills with regard to the Bill before the House. He conceived there were four great principles involved in the present measure. The first would be found in the 64th Clause, which provided by means of a public rate for the education of the poorer classes of Manchester and Salford—such rates to be leviable in proportion to the annual value of the property assessable to the relief of the poor. The second would be found in Clauses 29, 30, and 31; and by these clauses every school admitted into union with the District School Committee was to be a free school, and the children were to be educated free of charge. But by the 31st Clause, no child attending any school admitted into union, should be required to learn any distinctive religious creed, catechism, or formulary, to which the parents of the child should object. The third principle of the Bill was contained in the 69th Clause, which said that any ratepayer might require the amount of his rate to be appropriated to any particular school which he might specify; but a proviso in this Clause enacted that if the amount of the rates so appropriated should exceed the amount required by the particular school, the surplus should be applied, not according to the will of the ratepayer, but for the general purposes of the Act. The fourth principle would be found in the 75th and 86th Clauses, which enabled the Committee to provide schools in districts in which no school had been provided by any religious body; and declared that, with the exception of reading the holy Scriptures in the authorised version, no religious education should be given in such schools. It was important to see how far these principles were applicable to the general education of the people, before they were sanctioned by Parliament in any Bill applicable to any particular borough. He wished to express no opinion upon the principles themselves, but only as to the consequences of agreeing to this particular Bill, if these principles were sanctioned. By the rating Clauses it was obvious they would supersede the voluntary efforts of religious bodies to contribute to the education of the children of the humbler classes, and they would also supersede that great duty on the part of parents to contribute as far as they could out of their own earnings to the education of their children, instead of leaving it to be provided for at the public cost. As to the next principle—namely, that of making all schools free, or open to the admission of all children, whatever might have been the original foundation or rules on which the schools were established, it would inevitably lead to a consequence which required to be well weighed. The promoters of the Bill professed an intention to retain in these schools the means of educating children according to the principles on which they were established; but when you came to make a general rate, and gave free admission to these schools, without distinction of creed, it was obvious that in some particular districts the schools might be occupied by children not one of whom would necessarily be educated according to the views of the original founders. It was for the House to consider whether it would be proper to consent to a principle leading to this important result without grave preliminary discussion. The third principle of the Bill seemed to be not less important, for, according to it, any ratepayer would have the power of appropriating the money which he contributed to the rates to the education of children in the schools, with whose religious views he sympathised; but if the school were already provided with sufficient means for providing religious instruction of the kind the ratepayer approved of, his contribution would then go to the surplus fund, and be applied to the general purposes of the Act, some of which were quite unconnected with religious education. Under these circumstances, it appeared to him that the House would be introducing into a Private Bill the grievances connected with Church rates, without the justification for them. Those were founded on immemorial principles: this would rest on a mere novelty. Now he, for one, would willingly alleviate, but would never do anything to increase, the grievances which, in the present state of society, were severely felt by some persons. There were some persons in this country—actuated by the best motives, he had no doubt—who, seeing the difficulty experienced in combining children of various denominations in any general plan of religious instruction, were desirous of establishing a system of education into which religious training should not enter. Once, for all, he would declare that his mind was deeply impressed with the necessity of making religion the basis of all education; and he could see no way of carrying that principle into practice except that of leaving the different religious bodies to their voluntary exertions, combining with those exertions grants in aid from the public funds. He entirely concurred in the commendation which had been bestowed upon the promoters of this measure. They deserved the greatest credit for their exertions to extend to the working classes of Manchester and Salford the blessings of education founded on a religious basis; but, believing it would be unwise to sanction the important principles contained in the Bill without mature consideration and ample discussion, he recommended the House, as the safer course, to adopt the Amendment proposed by the right hon. Member for Manchester. At the same time, he must express a hope that the right hon. Gentleman would not object to the omission of the last words of his Amendment, relating to rating, because that was one of the questionable principles contained in the Bill, and the retention of those words in the Amendment would be almost tantamount to a recognition of that principle by the House. Those words being omitted, he should be happy to give his cordial assent to the Amendment.

Lord JOHN RUSSELL: The House has heard, Sir, I am sure with great pleasure, the temperate and able statement of the right hon. Gentleman the Home Secretary. I cannot agree with him in all that he has said, nor precisely in the conclusion to which he has arrived, but I do agree in many of the principles the right hon. Gentleman has laid down, and I think it most desirable that on this occasion there should be, if possible, no division; that we should not discountenance the endeavour which has been made by a great many persons interested in the welfare of Manchester and Salford; and I further think, with the right hon. Gentleman, that the promoters of the Bill are entitled to the highest credit for the efforts they have made, believing, as I do, that they have been animated by the most benevolent motives. In anything which I shall say or vote, I will endeavour, without entering into the question of proceeding by Private Bill, not to discourage this praiseworthy effort for obtaining better education for the poor in Manchester and Salford. I concur entirely in the answer which the right hon. and learned Gentleman (Mr. Walpole) has given to my hon. and learned Friend the Member for Sheffield (Mr. Roebuck), respecting the definition of a Private Bill, for it has frequently happened, according to the system of our legislation, that questions of the greatest importance, the maintenance and building of churches, the maintenance of an officiating minister, and the municipal government of towns, which very often involve high questions of public and municipal laws, are considered as Private Bills. But when we have to consider whether it is advisable that the House should assent to the second reading of this particular Bill, I must own I think there was much force in the objections taken by my right hon. Friend (Mr. M. Gibson), that there would be great hardship if the corporation or inhabitants of Manchester would be obliged to contend before a Private Committee upon a public principle to which they are opposed. I own, I think the most advisable course for the promoters of this Bill to pursue, would be to adopt the recommendation of my right hon. Friend, and consent to suspend the Bill whilst an inquiry was going forward in a Committee of the House into the whole subject. If the question were whether the Bill should be read a second time, or whether it be rejected altogether, I certainly must give my vote for the second reading; but the proposition before the House is simply to postpone the second reading until a Committee has been appointed to inquire into the state of education in Manchester and Salford, and the means by which it can be promoted, and whether the establishment of a local rate for the purpose would be desirable. The right hon. Secretary for the Home Department has objected to that point being referred to the Committee; but I think that that part of it should be also referred to a Committee, because it is a matter of the greatest consequence. It appears to me that we could obtain and impose certain conditions, at the same time that we established a plan of local rates in order to facilitate education in this country. As to those conditions, I might differ with the right hon. Gentleman as to some of them; but in others I think we should agree. I think it would be a great misfortune if the parent were taught that it was not necessary he should contribute to the education of his children, and that their education would be carried on entirely by the State. I think, in the next place, that the establishment of those schools entirely as free schools would be, not an improvement, but would tend to make these schools of less use than they are, and that the payment of small sums by parents is rather an incentive to them to look after the education of their children. In the next place, I think we should interfere as little as possible with those schools established by voluntary efforts, and which are likely to be maintained by voluntary efforts. Let it be recollected that Protestant Dissenters and Roman Catholics have, during the last twenty years, made great efforts in the establishment and promotion of schools for the poor; and that many of those schools are in a most flourishing condition. I think it would be the greatest misfortune if, in endeavouring to develop schemes of improvement, we should introduce elements of discord, elements of destruction, perhaps, and thereby, instead of promoting, altogether lose the advantages we now possess. The only way of maintaining those schools would be by allowing the managers, I mean of those schools supported by voluntary subscriptions, to carry them on as they now do, with such aid as the Committee of the Council of Education gives according to Minutes which are approved and established by the sanction of the House, and which are consequent upon the yearly votes of Parliament. With that exception I think they ought to receive no aid from the State. But there are other schools which have been established by voluntary efforts at considerable expense in the first instance, but which, far from being maintained with the same expense or the same efforts, now require that the attention of the State should be directed to them. In many country parishes it is well known that the contributors to such schools do not now contribute so largely as at the commencement, and very often a serious and heavy charge falls upon the parochial clergyman who may reside there, and who, taking an interest in education, bears a greater charge than, perhaps, his means warrant, for the purpose of maintaining the schools in an efficient state. It is very desirable, when the subscriptions are not sufficient, that increased, regular, and constant means should be afforded. I cannot see how such advance could be made, except by local rating, or out of the Consolidated Fund. This, too, was a great principle which ought to be inquired into and settled. The discussion involves principles so large, that I hardly wish, upon an occasion of this kind, to touch upon them, and yet there are one or two upon which I think it necessary to say a few words. One great principle, with respect to which this Bill has laid down a distinct line, is, that education ought not to be purely secular, but that it should be religious as well as secular. In that principle I fully concur. I do not think the House of Commons, or the country at large, would be satisfied with seeing established either a general system of education, or education in particular districts, to serve as an example and a model, from which religious instruction was to be excluded. I know many differ from me, but that is my impression. But with regard to the next question—obtaining a system of education which should not interfere with the consciences of several denominations upon that subject—no doubt there is the greatest difficulty. I, for my own part, do not think that any provision was satisfactory which went further than this, to say that certain religious instruction, the reading of the Scriptures, for instance, should be enforced, and that no child should be obliged to attend that part of the religious instructions to which the parent might object. With regard to Roman Catholics and Jews, the hardship on them would be great and unjust; it would be as great a hardship to make a Jew read the books of the New Testament, or to make a Roman Catholic read our authorised version of the Scriptures, as to compel a dissenter to learn the catechism of the Church of England. The Roman Catholics object to any version of the Holy Scriptures, without their own comment; and, if that be their principle, it must be respected. So with the Jew; it would be most unjust to him to compel his child to read the New Testament. The general principle involves this difficulty, that, if you compel every householder in a district to contribute towards the support of a school, the teaching there should be in consonance with his opinions; for it would not be fair to force upon his child instructions which were not in unison with the obligations of his conscience; for instance, it was urged that it was unjust to make a member of the Church of England contribute to the maintenance of a school in which the catechism was not taught. That raises another question of great importance, into which I will not enter, but content myself with observing, that I do not admit of the claims of conscience being pushed to that extent. Parliament ought not to decide this great question without the fullest care and consideration. I have endeavoured to discuss it upon grounds as broad as possible, and I trust hereafter to see much improvement, both as to the extent and quality of education. I rejoice to think that those efforts which have been made of late years—the plans of the Committee of the Council of Education have been greatly extended—that the quality of the education has been improved—and I should be very sorry if any step now taken should retard the progress of this great question. I entirely concur in the Amendment of my right hon. Friend (Mr. M. Gibson). I think the words should be left out to which the right hon. Gentleman the Home Secretary alludes, and that the whole question ought to be referred to a Committee for inquiry.

MR. CARDWELL said, he rose to answer the appeal which had been made to him by the right hon. Gentleman the Member for Manchester (Mr. M. Gibson). He (Mr. Cardwell) had not the conduct of the Bill, but it was true that he had taken the greatest interest in it, and he thought that if the promoters of the Bill were to reap no other reward than the discussion which had taken place that day, their meritorious efforts would not pass unrequited. He thought they were very much indebted to the right hon. Gentleman the Secretary for the Home Department, and the noble Lord who had spoken last, for the great light which they had thrown on the important subject of education; and he begged to express his great satisfaction that the House was now approaching so near to an agreement. In the discussion as to whether this should be a Public or a Private Bill, there had been a misunderstanding as to the distinction between the two. In a Private Bill there was every security for public debate. Every stage was taken that could be taken in a Public Bill, and there were also additional stages imposed by the Standing Orders of the House for the protection of private interests. The promoters of this Bill could not have done otherwise than bring it forward as a Private Bill. If there were any blame upon the subject, it did not rest with those who had honestly and faithfully complied with those Standing Orders, which for the protection of property it had been thought necessary to impose. He (Mr. Cardwell) thought it quite proper that the Bill should pass this stage of the proceedings. There was no proposal to reject it, or pass the remotest censure upon it. In the present stage of business, he did not think the House ought to admit the principle of the Bill; and nothing could be more foreign to the wishes of the promoters than to seize any unfair advantage by which the House might be made to appear to sanction a measure which it was really not their intention to sanction. They had come to the conclusion to have a full and dispassionate inquiry, upon the widest possible grounds, so far as they applied to the condition of the people of Manchester and Salford; that the Bill should survive that inquiry, and that no opinion should be expressed upon it in the present imperfect state of the information upon the subject. The fullest justice had been done to the great merits of the people of Manchester and Salford in this matter; for the great majority of the population, the opponents as well as the supporters of this Bill, had voluntarily expressed their readiness to submit to a rate for the purpose of education. There was then no reason why there should be any heartburning with regard to this matter. The promoters did not desire it. They had no wish to waste their own money needlessly, or the money of the corporation and ratepayers of Manchester, in a contest upstairs. Without heartburning, then—without expense—with universal concurrence, and without misunderstanding, there was now a good opportunity of submitting Manchester and Salford to that inquiry which they came forward to ask; of making them the pioneers in the great cause of national education—religious, he hoped, as well as secular—which that House so much desired to promote.

MR. WILSON PATTEN, as a supporter of the Bill, suggested that his hon. Friend who had charge of it should at once accede to the proposal which had been made. He did not make that recommendation without some regret. He was authorised by the promoters, however, to say that they not only did not reject, but courted the fullest inquiry in public Committee. Perhaps the greatest justice would be done to them by acceding to the proposal of the right hon. Gentleman the Secretary of State for the Home Department. As to the question whether this was a public or a private measure, he desired to state, on behalf of the promoters, that it was only after having taken great pains to receive the most competent advice upon the subject, that they came to the conclusion that the only mode of having the question properly discussed before that House and the public was by introducing it as a Private Bill. Although he acceded to the course which had been pursued, he considered that it was objectionable on the score of expense, as the expenses both of a Public and Private Committee would be incurred. As he had stated on a former occasion that there was complete unanimity amongst the clergy of Manchester in favour of this Bill, he considered it was only proper now to state that he had received letters from three clergymen in that town, who said they could not be considered as being favourable to the Bill. It was, however, clear that the great body of the clergy were favourable to it.

MR. BROTHERTON had great pleasure in acceding to the proposal, as by doing so he believed he should be consulting the wishes of all parties. It was promised that a full inquiry should be made into the subject, and that was all the promoters of the Bill could have expected to accomplish in the present Session. He had only to request that after the Amendment was disposed of, the House would allow him to postpone the second reading of the Bill for a month.

SIR ROBERT H. INGLIS said, he must beg the indulgence of the House for a few minutes. Whatever might be said of the principle of the Bill, he thought it was clear that the application of that principle to the particular case of Manchester and Salford was quite legitimately brought before the House in the shape of a Private Bill; and he agreed with the hon. Member for North Lancashire (Mr. W. Patten) that the parties could only bring the subject before the House in such a manner. He, however, deprecated the adoption of the principle of the Bill, and was unwilling that the House should recognise it as applicable to any one town in this kingdom. If applicable to one, it was applicable to all towns. His doctrine now, as it had ever been, was, that the education of the people was a national concern, to be conducted by that Church which the nation had recognised and established. That doctrine he had ever held—he had heard nothing to induce him to doubt its justice—and he was quite satisfied that by means of no other organisation could the education of the people be successfully conducted. He did not deny to any human being, of whatever religion he might be, the fullest right to teach whatever he pleased; but as a member of the Church recognised by the State, he (Sir R. Inglis) objected to being compelled to pay for that teaching. The Established Church was not a mere sect, one of perhaps twenty, to all of which the State was equally indifferent. It was the body which the State had adopted as the Truth; and when his noble Friend at the head of the late Government said, that he also was desirous that religion should be taught in every school, he must remind him that there could be no religion taught which was not identified with particular doctrines and forms of belief and worship. It was absurd to say that religion was taught merely by the reading of the Scriptures. Explanations of Scripture were necessary; and he could not consent to adopt any method of teaching religion except that which the State had selected and established.

MR. W. J. FOX said, he agreed with the hon. Baronet who had last spoken, to this extent—that if money raised by general or local taxation was to be applied to religious teaching, that religious teaching should be the religion of the majority. But the Bill went on the principle of taxing all denominations and churches, with a view to the teaching of the religion of all, or almost all, denominations and churches. His objection to this was, that it introduced a new principle into legislation; it was in fact an extension of the Church Establishment in this country. It sanctioned other doctrines, applied money raised by taxation to the inculcation of those doctrines, and thus in effect made a species of establishment on a different principle, and in a totally different spirit. If there was to be such an extension of the Church Establishment, it should not be made in the form of an Education Bill; it should be made directly and distinctly, by legalising opinions which could not now be legally held in the Church of England. It should sanction modes of faith and worship which now were not recognised; and it was a serious objection to any Bill that it thus introduced a principle hitherto unknown to legislation. There had been grants of public money given to religious bodies; but there was always a distinction taken between the object for which they were made, and direct support of that religious denomination. The grant to the Protestant Dissenters was made as a charity to the aged, not as a payment for the inculcation of their religion. That to the Presbyterians of Ireland was originally also for a charitable purpose. In no instance had there been a direct payment for the inculcation of various systems of religion. And, considering how much mischievous as well as useful instruction might be communicated under the form of religious teaching, he thought the policy of that House had been a wise one. It seemed that any religion which would submit to the test of reading the authorised version of the Scriptures was recognised as a religion by this Bill, the teaching of which might be paid for by money levied as rates on the people. Perhaps a Mormonite would not object to this test. Thus they would be paying for, not only the inculcation of the doctrines of the Bible, but of the revelations of Joe Smith; and he did not think the people of this country were at all disposed to do so. He trusted the principle of the Bill would undergo strict revision in the Committee. The state of feeling with regard to it in Manchester needed further inquiry. It was said 40,000 ratepayers were in its favour; that left a minority of 20,000, no small proportion of whom had conscientious objections to the Bill; and such a minority was certainly entitled to serious consideration from that House, before passing such a measure to tax them. He sympathised in the deprecation of the right hon. Home Secretary of any extension of the Church-rate system—and this Bill would infallibly extend it—there would be the same species of resistance to the School rate as there was to the Church rate. Happily, Manchester was free from the latter; and it was desirable to keep it free from the other. Only the preceding day he had presented a petition from an individual, declaring that his objections were so strong, deep-founded, and conscientious, that he would not pay any rate that might be levied for such purposes as those included in the local education scheme sanctioned by this Bill. Many others would be of the same opinion; and there should be a serious inquiry made into the mode by which these mischiefs might be avoided. Another reason why he could not concur in the Bill was, that with much that did the highest credit to its promoters, it offered no substantial promise of improving the quality as well as extending the quantity of education. He believed this country to be as much or more behind the countries which had most distinguished themselves by applying public resources to educational purposes, in the quality of education which was generally attainable, as it was even in the quantity. The Factory Inspectors were authorised to apply the produce of fines upon millowners for leaving their machinery unguarded, and for other violations of the Factory Acts, to the support of schools. Mr. Horner, the inspector for that very district, in his Report for the half year before last, distinctly said that the great majority of schools in that neighbourhood were in such a wretched condition that they scarcely knew the schools which were worthy of receiving the funds thus entrusted to them for distribution. This was not said of private schools, or of those supported by the millowners, in some of which the best instruction was given, but of the schools connected with the National Society and the British and Foreign School Society. This Report perfectly agreed with what had been said again and again by Her Majesty's inspectors of schools. The Rev. Mr. Moseley, whose reports were always worthy of attention, said he despaired of seeing a really efficient and religious education resulting from the schools now existing in the country generally. He said in that report that if the whole country were dotted over with schools, and the whole of the juvenile population received into those schools, he should still despair of seeing the great object of the friends of education accomplished by them in such a way as they would desire. He (Mr. W. J. Fox) trusted that in such a state of things the attention of the Committee would be directed to what related to the quality as well as to the quantity of education. How they would get over the difficulty arising from making schools denominational, he could not say, for there was the great difficulty. If they classified the schools, they would run the risk of having masters employed either above or below their capacity. He trusted the inquiry would be conducted in such a way as to throw some important light on the question of national education.

Colonel THOMPSON said, the hon. Member who spoke last, would probably be surprised to find anybody going farther than himself. But, for his own part, he could not acquiesce in the hon. Member's statement on the rights of a majority. He apprehended there were cases when a majority ought not to have its way. Judges and juries were assembled for no other purpose, than to prevent the strong from oppressing the weak: in other words, to prevent majorities in power from unjustly ruling. Every man who had attended to cases where education was to be extended to different religions, as for instance in India, knew there were but two ways to take. One was, to limit the education to matters involving no religious differences; and the other was, to allow each religion its proportion out of the general stock, and leave it to manage its education with the introduction of so much as it pleased of its own peculiar rites and tenets. He had never heard any objection to this, but that the professors of the true religion could not consent to take money out of the same bag. [*Laughter.*] They had no objection to others putting into the bag, but it was matter of conscience to take it all for themselves. Everybody said his was the true religion, and of course everybody's else was false. The ways stated were the only ones which had justice in them; and the present scheme was neither. The scheme was to take money from all religions by a general rate, and then apply it with such mixture of religious teaching as it was known minorities, or portions of them, could not and would not consent to. For example, he would fasten on the case of the Jews which had been instanced. "Had not a Jew eyes, had not a Jew ears?"—but we are for recognising nothing but that he has a purse. The question will never be settled till it is taken up upon principles such as men would accept if applied to themselves. The interest in the question, too, extended far beyond Manchester and Salford; and he should be glad if anything he had said should excite or keep it up.

Mr. SLANEY would ask the Committee calmly to consider a suggestion which had been made upon a previous discussion of this subject by the late Solicitor General (Sir W. P. Wood), namely, that if any rate were raised for educational purposes, any party who conscientiously objected to it upon religious grounds, and who could at the same time show that he contributed a fair quota towards the education of the humble people of his own denomination, should be exempt from payment of this rate. This would remove a serious objection that had been made to the scheme.

Mr. MILNER GIBSON said, he should not press the latter words of the Amendment if it were understood that the Committee was not thereby precluded from inquiring into the proposal for supporting education by local rates.

The CHANCELLOR of the EXCHEQUER said, the Amendment, as drawn up by the right hon. Member for Manchester, entirely confined the consideration of the Committee to the system of establishing local rates. The modification proposed by the right hon. Gentleman the Secretary of State would give them a wider field; and certainly he did not understand it to preclude the Committee from going into the question alluded to by the right hon. Gentleman (Mr. M. Milner).

Amendment and Motion, by leave, *withdrawn.*

Second Reading *deferred* till *Wednesday*, 14th April.

Select Committee appointed—

> "To inquire into the state of Education in the municipal boroughs of Manchester and Salford, and in the contiguous townships of Broughton, Pendleton, and Pendlebury, and whether it is advisable to make any further provision, and in what manner, for the education of the inhabitants within such boroughs and townships."

PHARMACY BILL.

Order for Second Reading read.

Mr. JACOB BELL presented petitions in favour of the Bill, from the President and Censors of the Royal College of Physicians, London; the President, Vice-Presidents, and Council of the Royal College of Surgeons; one signed by 150 eminent medical practitioners residing in London; and numerous petitions from medical practitioners, chemists, and others, in various parts of the country. He hoped the House would consider the above petitions, especially those from the two colleges and the members of the medical profession, a sufficient answer to the allegation that there was no necessity for a Bill of this nature. It might be laid down as an axiom, that education in any branch connected with the profession of medicine was necessary; and repeated attempts had been made to supply the deficiency in the present law relating to Pharmaceutical Chemists. No doubt could exist as to the propriety of establishing an Examining Board, and ensuring the proper qualification of the members of that body, by means of an examination. Some difference of opinion had existed as to the jurisdiction under which such board should be constituted; and about the years 1839 and 1840, communications took place between the chemists and the several medical bodies on this subject. It was proposed at one time to form a joint board of examiners with the College of Physicians; but after much discussion and consideration this was found to be impracticable, and was abandoned. The College of Surgeons declined to entertain the question; and there were insuperable obstacles to an amalgamation with the Society of Apothecaries. The result of these deliberations, was the establishment of the Pharmaceutical Society, consisting entirely of chemists, as the institution which should regulate the education and conduct the examination of the future members of that body. This society, which was incorporated by Royal Charter in 1843, was entirely of a voluntary character; its powers did not extend beyond those who thought proper to come within its ranks, and only those young men who desired to distinguish themselves came forward for examination; consequently, the influence of the society numerically, on those entering the business, was small, while the result of the system of education and examination, in the cases of those who availed themselves of it, afforded satisfactory evidence of its efficacy. It was therefore, necessary, in order to extend that beneficial influence, to increase the powers of the society, and for this purpose the Pharmacy Bill was introduced. The Bill confirmed the Charter of the society, with certain modifications, and gave power to make by-laws and other necessary regulations. It then enacted that it would be unlawful for any person to assume the name of Pharmaceutical Chemist, or Chemist and Druggist, &c., unless he had passed the prescribed examination, as a guarantee to the public that he was qualified to perform the responsible duty of dispensing medical prescriptions. There was a clause exempting from interference all persons already engaged in the business, as it would be unjust to make the Act retrospective in its operation. There was another clause, exempting all the medical bodies in the three kingdoms, the provisions of the measure being confined exclusively to chemists and druggists. The penal clauses were not nearly so stringent as those in other Acts of Parliament of a similar nature, as they only went so far as to prevent the public from being imposed upon by unqualified persons, and to recognise and establish a standard of qualification for those who assume the name and profess to be Pharmaceutical Chemists. The Bill was generally supported by the chemists throughout the kingdom, and also by a large proportion of the medical profession. The only opposition which had arisen, was from the Royal College of Surgeons, Edinburgh, and the Faculty of Physicians and Surgeons, Glasgow. The first objection was, that it would obstruct the progress of a general measure for regulating the entire medical profession. This he (Mr. Bell) was prepared to refute, as it was one of the merits of the Bill that it did not interfere in any way with the existing medical and surgical bodies. Those who had any experience in what is called medical reform must be aware that it is a most complicated and intricate subject, involving a great variety of interests and prejudices, and it had been the studious endeavour of the promoters of this Bill to keep it perfectly isolated and distinct. The medical profession might legislate independently, and the passing of this Bill would rather facilitate such legislation than otherwise. Another objection was, that too much power was vested in the Pharmaceutical Society, and that the by-laws and regulations ought to be under the supervision of the Secretary of State or other officer of the Government. Now this provision had been introduced into the Bill of last Session; but it was omitted in the present Bill, on account of the indisposition of the late Home Secretary to have anything to do with it, under the idea, no doubt, that the question would be involved in the same intricacy as that of medical reform. This, however, was not the case. If it were thought right, the clause which had been expunged could be reintroduced. Another objection was, that the Bill would affect the licentiates of the abovenamed corporations, who have the power of granting licences for general practice, including the practice of pharmacy. This, however, was a misapprehension, as the parties in question would be expressly exempted, and would enjoy all the rights and privileges that they would have possessed if the Bill had not passed. They could not, however, be registered as pharmaceutical chemists under the Bill, as that term was confined to "persons who dispense medical prescriptions and prepare medicines, not being members of the medical profession, or practising under a diploma or licence of a medical or surgical corporate body." These latter words were introduced by the desire of the apothecaries in London, and now he was required to take them out to satisfy the medical practitioners in Scotland. If he were to comply, and confer by the Bill new powers on the two licensing bodies who made the demand, a contention and rivalry would immediately arise between the practitioners in England and the practitioners in Scotland, which would hazard the passing of the Bill. It was necessary to confine the registry to pharmaceutical chemists, to make the institution strictly pharmaceutical, and to avoid the confusion which would arise if medical chemists, surgical chemists, and pharmaceutical chemists, having different kinds of qualification, were all registered together on one list. In fact, the charter of incorporation defined the members to be chemists and druggists; and members of the medical or surgical profession were disqualified for admission as members of the Pharmaceutical Society. The Society of Apothecaries had fallen into the dilemma of gradually assuming the character of medical practitioners, and this had led to their abandonment of pharmacy as their primary and principal pursuit, an example which the Pharmaceutical Society was desirous not to imitate. It was needless to discuss more in detail the minor provisions of the Bill, which would be duly considered by a Select Committee, in the event of the House acceding to the Motion of which he had given notice. He felt assured that if the Bill should pass, it would, in a few years, raise the character of pharmaceutical chemists. It would oblige all those who regularly follow the business to learn the rudiments of chemistry and the collateral sciences. Among the number some would be found who, by their natural talent and industry, aided by the fundamental education rendered necessary by the Bill, would turn their attention to the higher branches of science, and reflect credit on the country. The majority, however, would confer a benefit on the public in another way, by performing in a more safe and efficient manner the duties of pharmaceutical chemists in the preparation of medicines, many of which are powerful poisons, and ought not to be entrusted in the hands of ignorant and inexperienced persons. He moved that the Bill be read a second time, for the purpose of being referred to a Select Committee.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

MR. WALPOLE, considering the great powers given by the Bill to the Pharmaceutical Society, was not prepared to give his assent to the second reading before the Bill had been referred to a Select Committee. The second clause gave very great and irresponsible powers to the Pharmaceutical Society in making by-laws and regulations; and the fifteenth clause subjected persons to serious penalties for assuming the business of a chemist and druggist, contrary to the regulations so laid down. Very difficult cases might arise on that question, unless the clauses were worded with exceeding care; and he hoped therefore, that the Committee before whom the Bill should be sent, would be very careful in the construction of these clauses.

MR. BOUVERIE agreed with what had fallen from the right hon. the Home Secretary. Very grave objections could be stated to the Bill as it now stood. In fact it would give a trading monopoly to a chartered body, of which that House knew very little indeed. So far as he could understand the object of the Bill, it was intended to turn chemists and druggists into apothecaries, and to derive a revenue for the society by levying large contributions from chemists already in business. The business now pursued by the chemists was formerly carried on by the Apothecaries, also a trading body, to whom an Act of Parliament had given great powers; and unless great care were taken they would find a fresh crop of medical practitioners springing up among the chemists.

MR. BELL said, that the object of the Bill was diametrically opposed to that stated by the hon. Member, and was about to explain further, but being called to order, he resumed his seat.

SIR HENRY WILLOUGHBY said, he trusted that the House would have an opportunity of discussing the Bill after it should have come from the Committee.

Bill read 2°, and *committed.*

PROPERTY QUALIFICATION.

MR. TUFNELL begged to move for leave to bring in a Bill to abolish the Property Qualification for Members of Parliament. The House would perhaps remember that, in the course of last Session, he took occasion to give notice of his intention to bring the subject under the notice of that House. His noble Friend the Member for the City of London (Lord John Russell) had, however, subsequently made it the subject of one of the Clauses of the Bill for the reform of the representation, which he had introduced; but as that measure had been withdrawn, he now took the earliest opportunity of again bringing the question before the notice of the House; and if there was no objection to the introduction of the Bill, he would waive all discussion of the subject till the second reading.

MR. WALPOLE said, he would not offer any opposition to the introduction of the measure of the right hon. Gentleman, inasmuch as it had constituted a portion of the Bill of the noble Lord the Member for London, to the introduction of which no opposition had been offered, and of which measure it was not the most important portion. He must reserve to himself, however, the full right of dealing with the Bill hereafter, and be understood as not pledging the Government on the subject one way or the other.

COLONEL SIBTHORP said, he should be very jealous of, and oppose to the utmost of his power, any attempt to do away with such qualifications as he considered were constitutionally necessary.

Leave given.

Bill *ordered* to be brought in by Mr. Tufnell, Sir William Molesworth, and Mr. Ewart.

The House adjourned at half after Three o'clock.

HOUSE OF LORDS,

Thursday, March 18, 1852.

MINUTES.] PUBLIC BILL.—1ª Patent Law Amendment (No. 2).

COPYHOLD ENFRANCHISEMENT.

Several noble Lords presented Petitions praying for the enfranchisement of Copyhold Property on equitable principles.

The LORD CHANCELLOR presented a petition from Solicitors practising in England and Wales to the same effect. He considered that the emancipation of copyholds, tending as it must to simplify the laws of property, would be of great advantage; but such a measure would require great consideration. They should take care, on the one hand, not to inflict any injury on the lord or on the tenant; and, on the other, they should be careful how they interfered with the property of a tenant who did not desire to alter the tenure by which he held, and who probably might not have money to spare to purchase the enfranchisement of his tenure and to improve the property. They would find it necessary to be very careful not to impose burdens upon such persons.

LORD BROUGHAM entirely joined in the opinion which had been expressed by his noble Friend.

LORD CRANWORTH thought that in the consideration of this question there were two points which must be regarded. They had in the first instance to regard the interest of the community, and in the next place the interest of the copyholder. The present system might be considered as having in many respects an injurious effect on the interests of the country, so far as it affected timber, mines, and a variety of other things; but it should also be recollected that by altering that system they would deprive small copyholders holding an acre or two of land, or a rood or two of land, of the great benefits they now enjoyed.

The LORD CHANCELLOR admitted the advantages which were conferred under the present system by a local registry, which was open to none of the inconveniences, dangers, or troubles that attend a general registry. He should be sorry to see it abolished, but in general measures of improvement it frequently became necessary to submit to particular sacrifices.

LORD REDESDALE reminded their Lordships of what had taken place under the Bill for voluntary enfranchisement. He thought that many persons who would act under that measure, refrained from doing so, because they thought they would be able to drive a better bargain when a compulsory Bill was passed. All small copyholders were interested in keeping up the copyhold tenure, because they enjoyed under it a cheap system of registration in the court of the lord; and nothing could be more unjust than to compel the lord of a manor to keep up the court after the enfranchisement of copyholds, merely for the purpose of having such a registry.

FOREIGN AFFAIRS—THE ARGENTINE CONFEDERATION—REFUGEES—OUTRAGE AT LEGHORN.

LORD BEAUMONT: Seeing my noble Friend the Secretary of State for Foreign Affairs in his place, I take the opportunity of giving notice that I shall on an early day ask Her Majesty's Government whether they are prepared to lay before Parliament any information relating to the present state of affairs in the Argentine Confederation. The information which I shall ask for is only that which touches the maritime and commercial relations of this country with that Confederation. I believe that this is the time for obtaining from that Confederation, by peaceable means, that which we attempted to obtain some years ago by forcible means, which we were then justified by circumstances in employing. I will also move, at my noble Friend's convenience, for the production of additional papers to the correspondence which has already been produced between the Secretary of State for Foreign Affairs in this country and the Ministers of foreign countries on the subject of refugees in this country, and the protection of British subjects from insult and outrage abroad. I hope my noble Friend will forgive me when I say that a report is abroad that another outrage has been committed by a Tuscan or Austrian officer on the person of a British officer in the port of Leghorn. There is a rumour now very rife that an officer of one of Her Majesty's ships of war now in Leghorn Roads has been cut down or insulted or otherwise ill-treated in his uniform, while on shore, by the local authorities either of the Tuscan or of the Austrian Government at Leghorn. Will my noble Friend tell me whether that rumour is correct or not?

The EARL of MALMESBURY: As to the first question, on the subject of the Argentine Confederation, I can assure my noble Friend that Her Majesty's Government appreciates as much as he can do the great importance of our relations with that Confederation, and the favourable opportunity which now presents itself to us for obtaining a settlement of our claims in that quarter. As to my noble Friend's second question, relative to the laying on the table any additional correspondence on the subject of foreign refugees, I believe that the Government would have no objection to its production; but, generally speaking, it is not thought advisable to lay such correspondence piecemeal before Parliament, and before it is concluded. As to my noble Friend's third question, respecting the insult offered to an officer of Her Majesty's Navy in the port of Leghorn, I think that my noble Friend has allowed rumour to exaggerate the real facts of the case very largely. The facts are these:— A petty officer, a corporal of Marines, belonging to Her Majesty's ship *Firebrand*, now lying in Leghorn Roads, went ashore one Sunday night on leave of absence. While on shore, and with little provocation on his part, he appears to have offended a gendarme or police authority of the Tuscan Government. This authority seized him very roughly, maltreated him, took him to the station-house, and there placed him in chains both hand and foot, and that, too, while the corporal was wearing his uniform as an officer in Her Majesty's service. But I am glad to say that by the active interference of our Secretary of Legation at Florence, Mr. Scarlett, the matter has been satisfactorily arranged, and the Tuscan Government has placed the chief officer of the gendarmerie at Leghorn in prison for eight days as an atonement for the outrage which he committed on this subject of Her Majesty.

THE RURAL POLICE IN ENGLAND— VOLUNTEER RIFLE CORPS.

The EARL of ELLENBOROUGH moved an Address for Returns, showing the Number and Charge of the Police in Ireland, and also the Number and Charge of the Rural or Municipal Police in each County and Borough in England and Scotland (in each case the amount of such charge defrayed out of the Public Revenue to be specified), and said, that his object was to point out the incongruity which prevailed in the systems now in force in Great Britain and Ireland, and to draw the attention of Her Majesty's Government to the connexion between the rural police of Great Britain and that great measure of national military defence which was then of necessity under the consideration of his noble Friend opposite (the Earl of Derby). In Ireland the police was diffused over the whole country, and the expense of it was borne by the Government, except when a special force was sent into a disturbed district, or when a permanently increased force was required for the protection of a particular district. In this country there was no uniform system of rural police. In the year 1839 an Act of Parliament was passed which left it altogether to the discretion of the magistrates in quarter-sessions assembled to establish or not in their county such a force as they might think necessary, and to fix a limit to the extent to which it was to be carried. It was intended that there should be a certain proportion between the number of police and the amount of population in each county. Under that Act he believed that about half the counties of England had adopted a police force; but this force was by no means of equal amount in different counties, nor had the variation of its amount in different counties any reference to the exigency of the case. That depended on the wise liberality, or the shortsighted economy, of the different bodies of magistracy in quarter-sessions. The expense of the force upon the ratepayers was felt in some instances as a hardship. In the county with which he was connected, the expense of the police was equal to half the amount of the whole county rates; and it was with some difficulty that he had persuaded the magistracy some years ago to continue the force on the same footing as before, and which was absolutely necessary for the maintenance of order. It was quite obvious that if the police force were uniformly distributed all throughout the country, their utility and efficiency as a police force would be much greater than it was at that moment; for in those counties where there was no rural police, crime was generated, and subsequently diffused itself over the adjacent counties. He suggested to his noble Friend opposite the propriety of introducing a compulsory measure to establish an uniformity of police for England as well as for Ireland. He did not mean to say that there should be the same numbers, but only that there should be an uniformity of system, and that the same measure of justice should be dealt out to the ratepayers in England as was dealt out to those of Ireland, and that a large portion of the expense in England should be defrayed, as it was in Ireland, by the Government. At present the only case in England in which the Government came to the aid of the ratepayers was in the metropolis, where nearly 100,000*l.* a year was expended by the Government on the police; but he could not see why the metropolis had a larger claim on the liberality of the Government than the country districts. The point, however, to which he wished to call the particular attention of his noble Friend was the connexion between the rural police and the measure for the national defence of the country. It must occur to his noble Friend, when he came to consider the course necessary to protect the country in the field against an invading force, that the very moment in which an invading enemy set foot on our shores, the operation of the law would be practically suspended from one end of the country to the other. Everywhere crime would break loose, and property would be in danger; and one great reason why he wished for the establishment of an uniform system of police throughout the country was in order that there might be an uniformity of protection when those who would have to defend us from the enemy were withdrawn. He therefore was of opinion that his noble Friend ought to revise the Act for calling out special constables, for, as the Act now stood, though such a force might be good for an unexpected emergency, it was not qualified to give permanent protection to the country when an enemy was within it. He therefore wished to ask his noble Friend whether he intended to adhere to the decision of the late Government not to give any aid to volunteer rifle corps? He should hear with great regret that Her Majesty's present Ministers had come to any such decision. The decision of the late Government had thrown a damp over the exertions of individuals, and had checked the formation of those corps. It was evident that in case of invasion they would be of great value. The parties forming them would not be of the same age and condition as the persons forming the militia to be established by law, but would be of a higher condition and a more advanced age. In peace, such a force would arm property with protection; and in time of war, with discipline and good arms, it would be a valuable aid to the regular Army by hanging on the rear and flanks of an invading enemy. With assistance from the Government, various things essential to the efficiency of volunteer corps would be furnished to them, which it was impossible for them to obtain without; as, for instance, an uniformity in the calibre of the arms they used. In his opinion, without such uniformity of calibre, such corps could not serve efficiently, even for a week. The noble Earl then formally moved for a return, showing the number and the charge of the rural or municipal police in each county, county of a city, and borough in England and Scotland; and also, for a return showing the number and charge of the police in Ireland; stating in each case the amount of such charge defrayed out of the public revenue.

The Earl of DERBY had no objection to the production of these returns. He was sure that his noble Friend would not be surprised at his declining to enter at present into the differences existing in the systems of the police force in England and Ireland respectively, or into the reasons which rendered it necessary to take either the one or the other course. With regard to the Irish police force, his noble Friend was quite correct in stating that the expense of the Irish police force was paid by the Government. Some years ago, when an Act was passed for establishing that force, one-half the cost was to be borne by the Consolidated Fund, and the other half by the counties. Since then, another Act had been passed, whereby the whole cost was to be defrayed from the Consolidated Fund. He agreed with his noble Friend that the irregularity and want of uniformity in the rural police in this country, and the different principle and proportion by which it was distributed in the different districts, was a matter well worthy of attention; and he also agreed with his noble Friend that the expense of it being paid out of the county rates pressed heavily on one description of property: and possibly it would be right that the expense of that force should be borne by the Consolidated Fund, for it protected personal property and persons as well as real property, but being defrayed by the county rates fell exclusively on the latter class of property. The transfer of that expense, however, was a question involving a large national expenditure, and he could not hastily express an opinion upon it. He did not see the connexion which his noble Friend had drawn between a rural police and the force which was to be raised for the internal defence of the country in case of invasion. He knew that he should not satisfy his noble Friend when he said that Her Majesty's Ministers had come to the conclusion that the decision of the late Government not to give aid to volunteer rifle corps was a sound and reasonable decision. He was prepared to adhere to the same view, and should certainly not give aid to such corps at present. He would not enter now into any description of the objects of the Bill which would be shortly introduced into Parliament for the organisation of the militia. He hoped that when his noble Friend saw that Bill he would find it to be less objectionable than he anticipated. He agreed with his noble Friend in one respect, that where volunteer corps were established and sanctioned by the Government, it was important to have an uniformity of calibre in their arms; and it was a condition imposed by the late Government, that, though they furnished their arms at their own expense, they should be of the calibre recommended by the Board of Ordnance; for it was important that all the arms of such a force should be of a calibre suitable for the supply of Government ammunition. His noble Friend would now be aware that the Government was not prepared to give aid to the formation of volunteer rifle corps; but he hoped that the absence of such aid would not damp the patriotic ardour of which his noble Friend had spoken, and which no man could appreciate more highly than Her Majesty's present Ministers.

The EARL of ELLENBOROUGH said, that there was one thing which the Government ought to do, and without which there would be no uniformity. Even if the Government would not furnish these corps with arms, it ought to contract for a supply of such arms by means of the Board of Ordnance, and should insist that all volunteer corps should furnish themselves with arms from the Government stores. They would thus obtain their arms at a lower rate than they could otherwise obtain them, and with this advantage into the bargain, that they would all be of uniform calibre.

The EARL of DERBY said, that that was a matter at present under the anxious consideration of the Commander-in-Chief.

Address *agreed to.*

CRIMINAL LUNATICS.

The EARL of SHAFTESBURY, after presenting a petition from the Chairman of the Visiting Magistrates of the Lunatic Asylum of the county of Leicester, praying for an alteration of the law respecting Criminal Lunatics, proceeded to move—

> "That an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to take into Her consideration the expediency of establishing a State Asylum for the care and custody of those who are denominated 'Criminal Lunatics;'"

and said, that the subject which he was about to introduce to the notice of their Lordships, though never propounded before in a specific form, could not be novel to them as magistrates and curators of provincial affairs. The care and custody of criminal lunatics had acquired of late a more than ordinary interest. The great care bestowed of late on both our public and private asylums had called attention to the fact that the custody of these criminal lunatics had been a great bar to the improvement of those institutions. The grievance had at last become intolerable—complaints had arrived to him from all quarters—and he had been requested to bring it under the notice of their Lordships. He must, however, exonerate in the first place the magistrates; for they had protested over and over again against the evil. He must also exonerate the Commissioners in Lunacy: they had done their duty, and had reported in 1849, in 1850, and in 1851, to the Lord Chancellor on the annoyances, perils, and injurious effects of the actual system; and they proposed remedies for the evil. They had also reported at various times to the Secretary of State, and had prayed relief, setting forth such circumstances as these—that there was one criminal lunatic who had escaped from Gateshead Fell four times in a few months, and that there was another who had escaped from Hoxton six times within very nearly the same period; but all to no purpose. All these parties had done their duty; it was the Government and the Government alone, which had steadily refused the necessary assistance. The term "criminal lunatic," seemed to him to involve something of a contradiction; nevertheless it was the ordinary and received term, and the only one, therefore, he could use on the present occasion. It was a term which embraced every class and description of person and crime, from the most miserable idiot that had perpetrated some act of violence, to cases of persons in a condition approaching to reason, if not, as in instances of simulated insanity, actually in possession of it. Now, these unhappy persons, who were termed "criminal lunatics," might be divided into four classes. The first class consisted of persons having become actually lunatic at the time fixed for their trial, in which case their trials were deferred. The second class consisted of persons who, being sane at the time of trial, were found (by special verdicts) to have been actually lunatic at the time of committing the offence. The third class consisted of persons who had become lunatic after sentence; and the fourth class of persons who were confined under summary conviction, vagrants, or parties committed for want of sureties, who had become insane. Now, the statutes by which these criminal lunatics were confined were three, the 39 & 40 of *Geo.* III., chap. 94; the 1 & 2 of the Queen, chap. 14; and the 3 & 4 of the Queen, chap. 54. Under the various sections of these Acts of Parliament provision was made for every indictable offence which could be committed by those unhappy persons. Those persons, as he had stated, might be included in four classes: the first consisting of those who were tried and acquitted of felonies and misdemeanours at the time of trial on the ground of insanity; the second consisting of those found insane on arraignment or trial, or on being brought up to be discharged for want of prosecution; the third consisting of those convicted, and who had become insane while in prison, under sentence of death, transportation, or imprisonment; and the fourth, of those who had been committed and become insane before trial, and had not been brought before the court. In addition to the four classes whom he had described as "criminal lunatics," there was yet another class of lunatics, who under the 3 & 4 of the Queen, were treated as criminals. They were persons who were afflicted with some derangement of mind, and who, unless restrained, were in danger of committing offences. Formerly these persons were very hardly dealt with, and any one magistrate might commit them to gaol or other place of safe custody under the 39 & 40 *Geo.* III. But by the Act of the Queen to which he referred, their condition had been somewhat alleviated, inasmuch as it required that two justices of the peace should commit the parties, and that they should not be sent to a gaol, but to an asylum or licensed madhouse. There were not many cases of that sort, he believed; but in considering the law which governed the Kingdom their Lordships must bear in mind that none of these parties, except those who had been committed by justices of the peace, could be again discharged, unless by the authority of the Secretary of State. He would now proceed to state the number of these criminal lunatics, and, as far as possible, their condition. The total number of criminal lunatics, so far as he had been able to ascertain them, was, in England and Wales 439, of whom 360 were males and 79 females. But when he came to examine the offences for which these persons were detained, he found that the heavier and more fearful crimes against society very greatly predominated. For offences against life—and under that term were included, not simply assaults, but every injury directed against life, shooting, cutting, and maiming—there were kept in detention 138, of whom 104 were males and 34 females. For offences against property and person, inclusive of all violences short of attempts to murder, but many of them of the grossest nature, 188; 163 males, 25 females; for misdemeanour, 40; 35 males, 5 females; committed for want of sureties, and become afterwards insane, 43; summarily convicted for minor offences, and become insane, 30. These parties were distributed in various asylums, and were maintained by Government or at the expense of their localities; in Bethlehem there were, 103; in the asylum at Fisherton, near Salisbury, sent by the Secretary of State, 59; the remainder were in various asylums, and their treatment and condition were the same as that of those with whom they were associated. That the House might judge of the evil effect produced by these criminal lunatics among the other inmates of the asylums in which they were confined, let them look at the usual habits of these lunatics. Let their Lordships consider who they were, what their former habits had been, and whence they came; the long course of violence and profligacy they had pursued, and that the lunacy under which they laboured was very often the consequence of their own excesses. It must be borne in mind, that many of the ordinary patients in the asylums into which these persons were introduced, were simple, pure-minded, sensitive persons. "Many of them," said the report from Lancaster, "were timid, desponding, and ignorant, and imagine the asylum to be a prison, and that they are sent there for punishment. Their association with criminal lunatics confirms the impression, and so retards their recovery." In order that their Lordships might form some estimate of the character of the criminal lunatics, he would read to them some special cases derived from the following lunatic asylums:—

"County of Lancaster—J. B., Larceny; During imprisonment murdered a fellow-prisoner.

"Ditto—R. B., Assault; Attempt to shoot a clergyman.

"Leicester—W. T., Murder; Expelled from militia for irregularities and vicious life; murdered his wife. Now sane.

"Ditto—T. J., Assault; Stabbed a man; recently violently assaulted his attendant; treacherous, malignant, and revengeful; most mischievous and painful to other patients.

"Ditto—H. B., Larceny; Most violent, revengeful, treacherous, and malignant; has repeatedly injured patients and attendants.

"Ditto—J. D., Assault; Several times released and recommitted, occasionally very violent.

"Ditto—H. C., Stabbing; When excited, violent and highly dangerous.

"Ditto—M. A., Larceny; Highly dangerous to herself and others.

"Ditto—D. T., Want of sureties; Occasionally very violent.

"Ditto—E. S., Larceny; Suspected of simulation; had been formerly a patient; now perfectly rational.

"Ditto—W. C., Assault; Formerly a soldier; violent and dangerous.

"Nottingham—T. B., Maliciously stabbing; Stabbed his brother; dangerous; has attacked the gardener with a spade.

"Ditto—Irishman, Rogue and Vagabond; Dangerous, particularly to Patients.

"Bethnal House—S. W., Want of sureties; Committed for two years for setting fire to his house."

Now, among these were two cases in which the parties had been committed for want of sureties; but it was not to be inferred therefrom that their criminality was small. Now, the case being such as he had described, their Lordships would not be surprised at the strong language used by the medical superintendents of asylums and other persons experienced in the management of lunatics, against the detention of these criminal lunatics with the other patients in these institutions. He held in his hand a list of the principal reasons assigned by the superintendents of asylums, almost without exception, for the non-association of criminal lunatics with ordinary lunatic patients. They were as follows:—

"It is unjust to ordinary patients to associate them with persons branded with crime. The lunatic is generally very sensitive, and both he and his friends feel aggrieved and degraded by the association. The moral effect is bad. The conduct of criminal patients is frequently very violent; their habits and language, the result of previous habits, are frequently offensive, and their influence on other patients injurious and pernicious. By the fact of stricter custody being required, and greater responsibility felt for criminal patients, the general classification of patients in an asylum is interrupted, and the improved discipline and proper treatment of other patients interfered with; the expense is also increased for safe keeping. The common delusion that an asylum is a prison is strengthened by lunatic patients being compelled to associate with persons who have been in prison: and, in fact, higher walls than those ordinarily in use have been considered necessary (and in one case erected) for the security of criminal lunatics associated with other patients. The association is injurious even to the criminal patients. It exposes them to taunts from the other patients, and the stricter confinement imposed on themselves irritates them. They are irritated also when other patients are liberated, and they left in confinement. When criminal patients are confided in (in the same way as other patients), it is generally found that they are unworthy of trust; that they try to escape and induce others to do so, and that insubordination and dissatisfaction are generally produced by their influence. The criminal patients concentrate attention on themselves, and attract an undue share of care and supervision from the attendants. Cases of simulated insanity are (supposed to be) not unfrequent with patients received as criminal lunatics. In those cases the patients are mostly patients of the worst character. They create discontent among the other patients, and oppress those who are weaker than themselves, and they generally try to escape. Patients of the criminal class, even when unsound at the time of committing the offence, possess criminal propensities, and in some cases their insanity has been caused by vicious habits."

The most efficient remedy for this state of things, would, in his (the Earl of Shaftesbury's) opinion, be the establishment of a State asylum for the separate care and custody of those who were termed criminal lunatics; and for this he had the approbation of almost all the medical superintendents and persons most conversant with lunacy throughout the United Kingdom. He had also in its favour the high testimony of the noble Lord who was now seated on the woolsack, and which was delivered by him at the time he filled the office of Lord Chancellor in Ireland. The noble Lord said—"Solid objections exist to criminal lunatics being received into district asylums, which were never intended for prisons. The advantage of bringing all the criminal lunatics together under the eye of the governor is obvious." The opinion the noble and learned Lord then pronounced had since been confirmed by the admirable experience which had been obtained of the manner in which the lunatic asylum at Dundrum, in Ireland, had been conducted, and the beneficial effects which had resulted from the system there. Many questions would arise when such a measure was propounded in the shape of a Bill, which it was not necessary he should now discuss. He was prepared to propose such a measure himself, if the privileges of the House of Commons did not preclude him from doing so. He contented himself, therefore, with advocating the principle. In the first place, they would have to inquire at whose expense the lunatics were to be maintained, whether by the State or from local resources; and, secondly, what discretionary powers should be given as to the parties who should be liberated by the Secretary of State; and, thirdly, what effect was to be given to the plea of insanity which both Judges and juries now had evidently a tendency to allow, but which must be qualified by some such experimental statement as the following:—

> "Parties have seen that men who have become homicides, it may be in an insane paroxysm, are comfortably housed, well clothed, and fed for life. May we not fear that, in the minds of many, the dread of punishment, which might deter them from violence, has been lessened by the experience we have taught them, and that, by our association of criminal lunatics with the unfortunate insane, we are breaking down a barrier which, to a large extent, avails to protect society from violence and wrong at the hands of a class of persons who know full well that they have the plea of previous insanity ready to save them from the punishment of the outraged law?"

But it was not necessary for him to discuss the question how far, and when, the plea of insanity should be allowed; his purpose was to show that the presence of those persons in asylums was subversive of all comfort and discipline. They sowed discontent, formed confederacies, and led disturbances. Madmen could not combine (that was the security of an asylum), but those men (criminal lunatics) gave head to, and power of uniting, which the others (the real lunatics) did not possess. As a proof of the necessity for the attention of Parliament being directed to this class of suffering humanity, he might state that he knew of a case in which a human being had been confined by his relation in a dark cell for ten years, chained, and in a state of nudity. This was in Devonshire. A correspondence between the local committee and the Commissioners of Lunacy led to a prosecution, and the offending party was tried and convicted. Since the lunatic had been in the asylum, a period of more than nine months, he had been uniformly quiet and well-conducted. But (said the noble Earl) there is no argument of greater weight that I can adduce than the assertion that the presence of these peculiarly afflicted persons nullifies, or at least impedes, the operation of the non-restraint system. This system—the great and blessed glory of modern science, —having taken its rise in France—*Oh, si sic omnia!*—and introduced here by the Society of Friends, has become the especial pursuit of professors of this department of medicine in the three kingdoms. By the blessing of God it has achieved miracles. I have, perhaps, a right to say so, having officiated now as a Commissioner in Lunacy for more than twenty years, and having passed, as inspector, from the very depths of misery and neglect, to the present height of comfort and ease. The filthy and formidable prison is converted into the cleanly and cheerful abode; the damp and gloomy courtyard is exchanged for healthy exercise and labour in the field and garden. Visit the largest asylum, and you will no longer hear those frightful yells that at first terrified, and always depressed the boldest hearts. Mechanical restraint is almost unknown; houses, where many were chained during the day, and hundreds, I will assert, during the night, have hardly a strait waistcoat or a manacle in the whole establishment; and, instead of the keeper, with his whip and his bunch of leglocks, you may see the clergyman or the schoolmaster engaged in their soothing and effective occupations. Add to this, my Lords, the kindred subject—the education of idiots, now undertaken in these asylums, and you will see and sympathise with the alarm of those who tremble lest anything should mar so wholesome a work; for it is thus "we gather up the fragments" of the human mind, "so that nothing be lost;" and, viewing that which appears to us as the wreck of an immortal intellect—"majestic, though in ruin," we endeavour to do what we should ourselves require were it the will of Almighty God to afflict us with a like calamity. These are the reasons, my Lords, which have induced me to come forward on the present occasion; and I shall, I trust, be forgiven for having submitted the whole subject to your deliberate and humane consideration. The noble Earl then moved—

> "That an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to take into Her consideration the expediency of establishing a State Asylum for the care and custody of those who are denominated 'Criminal Lunatics.'"

LORD BERNERS corroborated the statement made by the noble Earl, and made a few observations which were very indistictly heard.

The EARL of DERBY said, that he was sure that his noble Friend who had introduced the subject with as much ability as good feeling, had no necessity for making any apology to their Lordships for directing their attention to a matter which was one of deep and great importance, and one which the noble Earl was peculiarly qualified to bring under their notice. The noble Earl had for the last twenty years devoted his unremitting and humane attention to this subject, as he had also directed his attention to almost every other form of human misery and suffering, even of the most repulsive character, and had with the most laudable of Christian motives given up his time, talents, and means to the alleviation of these distresses and misery. He trusted that neither himself nor any of their Lordships could be supposed to undervalue the immense improvements which had been introduced by the altered system adopted in the treatment of lunatics generally. He believed that, within the last few years, no greater improvement had taken place in any branch of science, at least in that particular branch devoted to the alleviation of suffering humanity, than that which dealt with the case of persons afflicted with mental disease. He was of opinion, moreover, that, as science had advanced, not only the sufferings of the people so unhappily afflicted had been most materially diminished, but that there had also been great and essential advantages gained in the proportionate number of patients cured. He felt certain, therefore, that neither upon his part nor upon that of their Lordships could there be any desire to interfere in the smallest degree with that most humane and beneficial alteration which had been made in the treatment of lunatics. He confessed, however, that he was somewhat at a loss exactly to trace the connection which his noble Friend appeared to find between the existence of that treatment so generally adopted in all well-managed lunatic asylums in this country, with the peculiar Motion which the noble Earl had brought under the consideration of their Lordships. His noble Friend had adverted, but very briefly, to that which was, indeed, an anomaly in expression, and almost a contradiction in terms—the familiar expression "criminal lunatics." The word "criminal" implied a knowledge of guilt, and the word "lunatic" the absence of the knowledge and the power of distinguishing between good and evil; and it was certainly a contradiction in terms to say that a man could at the same time be a "criminal," that was, responsible for his actions, and also a "lunatic," that was, a man irresponsible for his actions, and incapable of distinguishing between good and evil. He confessed, therefore, that he felt some difficulty in drawing the line which the noble Earl seemed disposed to draw between "criminal lunatics" and "lunatics" of a different description. If the noble Earl were to carry into effect his principle, he would find it necessary to extend it much further, and apply the same principle which he sought to apply to the criminal lunatic, to all who were violent or dangerous lunatics. For the only difference between them was this, that one of them was in that state of mind in which he had actually committed that act which, in a sane condition of mind, would render him liable to punishment; while the other was in the same condition of mind, but had not as yet committed that which at the same time would render him subject to a criminal prosecution. He was far from saying that the existing law with respect to criminal lunatics—to adopt the familiar expression—was in a satisfactory position. He was at a loss to understand upon what principle the law had been framed with respect to the two classes of criminal lunatics. The 39 & 40 *Geo.* III. applied to persons who had actually been found not guilty of the offence with which they had been charged, upon the ground of insanity, comprising not only felonious offences, but also misdemeanours, which were similarly dealt with under the 3 & 4 *Vict.*, which also dealt with those who had not been brought to trial; but who, upon investigation, and after committal, had been found to be lunatic, and were not consequently brought to trial or sent before a jury, and were, by the authority of two magistrates and two medical officers, transferred to a county or district lunatic asylum. He confessed, that with respect to these two classes of persons, he was unable to account for the distinction which prevailed in the mode in which they were treated. There was, he believed, in England at this moment between 450 and 470 of all descriptions of criminal lunatics; of which number about 100 were maintained in the two wings of Bethlehem Hospital, which were specially built for the reception of criminal lunatics, and it was at the expense of the country that they were maintained. As a general rule, he believed that of all those guilty of offences, and who were acquitted upon the ground of insanity, the practice had been to transfer to Bethlehem Hospital the most violent and most dangerous characters. The consequence had been, that there had been assigned a separate asylum in the neighbourhood of Salisbury, where the patients or prisoners, just as the noble Lord chose to call them, were maintained and kept at the expense of the Government, though the asylum itself was a private one. It appeared that in the Bethlehem Asylum the cost of the maintenance of lunatics per head per annum was 34*l*., and in that at Fisherton, near Salisbury, it was 30*l*. per head per annum. There remained somewhere between 250 and 300 other lunatics under precisely the same circumstances and of precisely the same class, but who were distributed through the different asylums and prisons of the kingdom; and because they were so distributed, the expense of their maintenance fell, not upon the public at large, but upon the different parishes or unions from which the lunatics came. Clearly there could be no ground for that distinction; and he was of opinion that the custody of criminal lunatics was not a charge which ought to be thrown on the county, but was one which ought to be borne by the country at large, seeing the object was one of national importance, in which all classes and all denominations without exception were concerned, inasmuch as all might be alike subject to the same unhappy casualty. He did not, therefore, say that the existing law did not stand in need of some amendment. He repeated, that he thought the expense of maintaining criminal lunatics was one which ought to fall on the public funds. But then the House must also take into consideration how difficult it was to stop there, and to draw a line of distinction between criminal lunatics and dangerous lunatics. In fact, there was no other distinction between them except that the one had actually committed an offence, and the other might commit one; consequently they stood in precisely the same position. The case to which his noble Friend had alluded, where a person was confined for the space of ten years, was probably that of a dangerous lunatic, of a person who had exhibited dangerous propensities, and who, perhaps, had been in the care of persons of moderate means; for their Lordships would know that in the minds of the common people an exceedingly strong disinclination existed against sending to a lunatic asylum any of their relatives who might become afflicted with insanity, and that, rather than do an act which was so repugnant to their feelings, they would undergo the most grievous hardships to maintain their insane relations under their own eye in preference to sending them to a lunatic asylum, where they had a notion—though a mistaken one—that they would not be well cared for. Then his noble Friend said the association of those criminal lunatics—whose lunacy might have been induced by the depravity of their previous habits, and the debauched lives they had led—with persons labouring under mental though harmless delusions, was an injury and an evil to both parties, but particularly to the harmless patients. But he (the Earl of Derby) would ask where was the county or district lunatic asylum in which those two classes were so mixed up together? If there were any such cases, then he could only say that such a practice was contrary to all the rules and regulations laid down for the management of those establishments. He believed the practice was not to draw a distinction between the criminal lunatic and the violent lunatic, but to effect that which ought to be effected—the separation between the dangerous lunatic and the lunatic who was not dangerous, but was labouring only under harmless delusion. Some few years ago he had visited the lunatic asylum in Lancaster, and he was struck with the exceeding order, regularity, and admirable management which prevailed there. The great majority of the unfortunate inmates were engaged in the industrial occupations of the house; some working in the garden, others performing all the menial offices in the establishment, and all regularly and usefully employed. Undoubtedly it was necessary to make a distinction between those who could be so trusted in the performance of those duties, and those who could not; but, as he said before, the difficulty was to draw a line of distinction between criminal aad dangerous lunatics. Then, with regard to the question of expense, his noble Friend said he moved for this Address to the Queen because he saw all the difficulties in the way of legislating on the subject. But he (the Earl of Derby) knew if he were to bring in a Bill in this House for the purpose of carrying out the views of his noble Friend, it would be considered an infringement of the privileges of the House of Commons, because it would involve the expenditure of a considerable sum of money for the building of a State Asylum—

The EARL of SHAFTESBURY said, the terms of his Motion were, that Her Majesty should be pleased to take into Her consideration the expediency of establishing a State Asylum.

The EARL of DERBY: Well, to consider the expediency—but he said, unless they had fully considered all the consequences to which the distinction for which his noble Friend contended would necessarily lead, and all the expenses to which they were about to subject the country—while he quite agreed with him that it was expedient and desirable to amend the law relating to the custody and maintenance of lunatics—a subject which he would assure the House should not be lost sight of by Her Majesty's Government—he thought it would not be desirable to pledge their Lordships to address the Crown with reference to an alteration of the existing law, and that, after all, not of a material point. The expense of building Bethlehem Hospital—or rather the two wings of that structure which are assigned to the residence of criminal lunatics—must have been very large. The annual cost of the maintenance of patients, there was, he thought, 34*l.* a head, and at Fisherton 30*l.* a head; while in the various lunatic asylums throughout the country, the average annual cost was about 26*l.* a head. Their Lordships had also to consider that the expense of building such an establishment as his noble Friend contemplated, to say the least would probably exceed 50,000*l.*, and perhaps would be nearer 100,000*l.* Besides, he (the Earl of Derby) did not see why in the different county lunatic asylums the same distinction and discipline might not be effected and preserved as that which his noble Friend had in view in the proposed State Asylum. But his noble Friend said the adoption of that principle would necessarily lead to ulterior operations and further legislative measures, which would require great consideration. Then he (the Earl of Derby) said it would be better to consider what amendments might be made in the existing law before their Lordships pledged themselves to an Address to the Crown, simply with the view of building a State Asylum for the reception of criminal lunatics, for the regulation and management of which it would hereafter be necessary to legislate. The whole of this question, though it had not been fully considered by a former Government, was one that should be taken into deliberate consideration by the present Government, though rather with the view of dealing with the existing law as a whole than any single portion of it, which his noble Friend opposite had with such ability and good judgment brought under the consideration of the House; and with that assurance on the part of the Government, that the question should not be lost sight of, he hoped his noble Friend (the Earl of Shaftesbury) would be satisfied.

LORD CRANWORTH said, probably on the assurance given by the noble Earl who had just sat down, that this subject would speedily engage the attention of the Government, his noble Friend (the Earl of Shaftesbury) would not now object to withdraw his Motion. He (Lord Cranworth) rejoiced to hear that the noble Earl at the head of the Government was ready to enter upon the consideration of this subject, and that it was his opinion that the whole bearing of this question should be looked into. His noble Friend (the Earl of Shaftesbury) stated some doubts, in which he (Lord Cranworth) entirely participated, whether the whole law with reference to the plea of insanity was not framed altogether on an erroneous principle. It had been said in the course of discussion, that it was too much the habit of the Judges, in cases where the plea of insanity was set up, to cast all responsibility from themselves on the jury; and for the juries, on the other hand, to yield at once to that plea to avoid a result which was painful to their feelings. Having, whilst he had the honour to occupy a seat on the Common

Law Bench, been concerned in administering the Criminal Law for a considerable time, he (Lord Cranworth) might be supposed to speak with some prejudice on this subject; but he believed his noble Friend was wrong in saying there was the least bias in the minds of the Judges on this question in the direction in which he supposed them to lean. On the contrary, he (Lord Cranworth) knew there was a desire prevalent among the Judges to stand between the jury and their inclinations in cases where they thought they saw any attempt to shrink from responsibility. He did not hesitate to say that the question "sane or insane" was not a question safely to be committed to the determination of the jury which had to try whether a person was guilty or not guilty of the offence charged. He had known cases within his experience where there had not been the semblance or the least ground of insanity, but in which juries had given a verdict of "Not guilty, on the ground of insanity." What, then, was to be done? Suppose a man had committed murder, or that which would be murder in the case of a sane person, and it was suspected he was insane; what was the course to be pursued? It might perhaps be idle for him to hazard at the present moment an opinion as to what alteration should be made in the law upon this subject; but he (Lord Cranworth) thought that the question as to the lunacy of a criminal when on trial for killing another under such circumstances as would amount to murder if he were not insane, ought not to be left to the jury by whom the general charge is tried; the man ought to be found guilty, and the question of insanity should be the foundation for an inquiry by another tribunal, which might be presumed not to be acting exactly under the influence of the same feelings as that jury. What that tribunal should be, or of whom it should be constituted, he did not pretend to have considered; but that it should not be fully the same jury was a matter of which he had no doubt whatever. The privilege which was given them of deciding in such cases, he feared, led them into the continual violation of their oaths, and to the escape of persons who had perpetrated serious crimes from the punishment which the law attached to their commission. With regard to the necessity for something like the distinction proposed by his noble Friend (the Earl of Shaftesbury), he (Lord Cranworth) thought there was not altogether a distinction in *genus* between violent criminal lunatics and other violent lunatics, but he believed that the feeling among ordinary lunatics that they were mixed up with those whom they considered criminals, had often an injurious tendency on the inmates of an asylum where the association was permitted. The noble Earl at the head of the Government had objected to the strict accuracy of the term "criminal lunatics," as employed by his noble Friend, and said he should like to know how many persons so designated were criminals, and how many were lunatics. He (Lord Cranworth) believed the error too often committed was in adding the word "lunatic," and not in adding the word "criminal."

The EARL of SHAFTESBURY briefly replied. He was understood to defend the use of the expression "criminal lunatics," as signifying a class of lunatics who were not strangers to crime, but were distinguished from others by their cunning and dexterity. He expressed the gratification he had experienced from the manner in which the Motion had been received by the noble Lord at the head of the Government; and, with the permission of the House, begged to withdraw it.

Motion, by leave of the House, *withdrawn.*

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, March 18, 1852.

MINUTES.] NEW MEMBER SWORN. — For Kildare, William Henry Ford Cogan, Esq.
PUBLIC BILL.—1° Property Qualification.

OUTRAGE ON A BRITISH SUBJECT AT LEGHORN.

COLONEL RAWDON wished to call the attention of the Government to a matter of ssme importance. He had seen a letter, dated from Florence, on the 11th of this month, in which it was stated that a British officer, in the full uniform of the Royal Marines, had been cut down in the streets of Leghorn by the Austrian authorities. He wished to know whether Her Majesty's Government had received any information on the subject of this transaction, and, if so, whether any measures had been taken to obtain redress?

The CHANCELLOR OF THE EXCHEQUER: I believe it to be quite incorrect that a British officer, in the uniform of the Royal Marines, has been cut down, as stated, at Leghorn. But information has reached the Government to the effect, that a petty officer of Marines, being on shore on leave of absence from his ship, has been maltreated by the Tuscan Customs police at Leghorn; that, in consequence, the commander of the vessel, the *Firebrand*, Captain Codd, communicated with Mr. Scarlett, our Secretary of Legation at Florence, between whom and the Tuscan Minister much correspondence had taken place; and that the result was, that the head of the police, who, it appears, was involved in the transaction, has been imprisoned for eight days. That is the substance of all the information that Her Majesty's Government has received upon the subject.

VISCOUNT PALMERSTON: I should wish to put to the right hon. Gentleman the Chancellor of the Exchequer a question on a subject which may be said to be in some respects similar to the matter that has just been mentioned. It may be in the recollection of the House that some time ago an outrage of a very aggravated character—an outrage which would have been unmanly under any circumstances, but which, under the peculiar circumstances of the case, might be said to be cowardly—was committed on an unarmed British subject at Florence, by an armed officer of the Austrian service, who was marching at the head of his regiment, That outrage was made the subject of an inquiry in this House; and the noble Lord who was then at the head of Her Majesty's Government stated that communications having reference to the officer were going on at the time, and he did not hesitate to express it as his opinion, that reparation was unquestionably due on the part of the Austrian Government to Mr. Mather, the English gentleman who had been so shamefully outraged. Now, I wish to ask the right hon. Gentleman if he is aware whether the Austrian Government have inflicted any punishment on the officer who so grossly misconducted himself, and whether any kind of reparation has been made by the Austrian Government to Mr. Mather?

The CHANCELLOR OF THE EXCHEQUER: As the noble Lord the Member for Tiverton has not given me notice of his intention to ask me any question on this subject, I must be pardoned if I cannot immediately give him an answer upon this particular point. But, Sir, although the noble Lord has not given notice of the question, I am in a position to assure the House that Her Majesty's Government have insisted on the Tuscan Government giving reparation to Mr. Mather; for the Tuscan Government, being an independent Government, is not in an condition to avail itself of the excuse in the case of an outrage of this kind, that it was committed by the Austrian authorities; and we have, therefore insisted upon reparation from the Tuscan Government. With regard to the correspondence between the British Government and the Government of Austria on the subject, I believe—though I could have spoken with more certainty had notice been given—I believe I may say that it has terminated, or is approaching to a speedy termination, and that the result will most probably be satisfactory to the House.

LORD JOHN RUSSELL said, he wished to know whether the inquiry into this transaction that had been promised on the part of the Tuscan Government had taken place; and if so, what had been the result?

The CHANCELLOR OF THE EXCHEQUER: I must repeat my regret that due notice has not been given me of these questions. I will, however, be prepared to give all possible information on the subject to-morrow.

THE CUFFE-STREET SAVINGS BANK, DUBLIN.

MR. REYNOLDS said, he rose to move that the House resolve itself into a Committee, to consider the losses sustained by the sufferers in the late Cuffe-street Savings Bank, Dublin; and to make some arrangement for granting them a compensation. He had had the honour of placing Her Majesty's late Government in a minority twice in the same night on this subject; but, unlike other Members who had done the same, he had not received Her Majesty's commands to form a new Ministry. A Select Committee had been appointed to consider the losses sustained by the depositors in the late Cuffe-street Savings Bank in Dublin. That Committee sat in 1848, 1849, and 1850, and in the month of August, 1850, they made a Report favourable to the claims he advocated. His object in bringing forward his present Motion was to obtain the balance of 34,000*l.* still due to the sufferers by the failure of this bank. When he accepted the sum of 30,000*l.*, he did so as an instalment, and he gave notice then that he should press for the balance. He did not seek this as a gift, or solicit it in the name of charity or benevolence, but as a right; and he undertook to prove that this money was due from the public Exchequer to the unfortunate persons whom he repoesented. The late Chancellor of the Exchequer moved that 30,000*l.* be voted for the depositors; and, on his own showing, admitted that if the Commissioners for the Reduction of the National Debt had notified the insolvency of the Cuffe-street Savings Bank in 1838, the assets would have enabled them to divide 16*s.* 6*d.* in the pound. If they had closed the bank in 1845, the Report stated that there would have been 15*s.* in the pound to be divided. But he (Mr. Reynolds) had proved from the books of Mr. Higham, the Assistant Controller of the National Debt Office, that from the year 1833 to 1849 inclusive, the Commissioners for the Reduction of the National Debt had official knowledge that the Cuffe-street Savings Bank was insolvent, and that this knowledge had been concealed from the depositors on "grounds of public policy." Being asked for the meaning of this term, he said, it meant that if they had closed the Cuffe-street Savings Bank, it might have led to a panic, and that a run might have taken place upon all the savings banks in the United Kingdom, the total balance to the credit of the depositors in which amounted to not less than 33,000,000*l.* The right hon. Baronet the Member for Ripon (Sir J. Graham), in the debate on this subject last year, repudiated altogether the repayment of the money lost by the depositors upon the grounds of charity. He said if the claim were founded in equity, the Government ought to pay it in full; and if it were not so, that none should be paid. He added that it was unworthy of the British empire to compound for 10*s.* in the pound with a parcel of paupers. His hon. Friend the Member for Manchester (Mr. Bright) said he would willingly vote for the payment of the whole 64,000*l.* His right hon. and learned Friend (Mr. Napier) also supported him. The right hon. and learned Gentleman expressed an opinion that the Commissioners were liable for the debts of the bank; and he believed it would be found that the right hon. and learned Gentleman's opinion on that point had undergone no alteration. The 30,000*l.*, or at least a portion of it, was paid, but not until the Government had sent over Mr. Martin to make a thorough examination of the accounts. After a year's investigation of the books, he found that the total defalcation was 64,976*l.* 10*s.* 7*d.*; and, when the unclaimed allowances and the claims disallowed for informality had been deducted, there was a balance of 56,229*l.* 16*s.* 4*d.* due to the depositors, to whom there was paid, including about 600*l.*, the expenses of the Commission, the sum of 28,767*l.* 11*s.* 5*d.*, leaving a surplus of 1,230*l.* 8*s.* 7*d.* in hand. Of the 1,977 depositors who received the grant—and he mentioned this to show the misery which the failure of the bank must have occasioned—there were 507 whose deposits did not exceed 5*l.*, 306 not exceeding 10*l.*, 354 not exceeding 20*l.*, 238 not exceeding 30*l.*, 233 not exceeding 50*l.*, and 294 exceeding that amount. About two-thirds of these poor persons were females—old, decrepit servants, who had placed their savings in this bank as a small provision against a rainy day, and who were therefore placed in circumstances of extreme misery by the fraud of which they had been the victims. From the report of Mr. Martin, it appeared that in 1830, the bank was insolvent to the extent of 4,448*l.* 10*s.* 5*d.*; in 1831, 17,888*l.* 13*s.* 5*d.*; in 1832, 22,825*l.* 17*s.* 3*d.*; in 1838, 35,211*l.* 2*s.* 1*d.*; in 1845, 56,415*l.* 16*s.* 6*d.*; in 1846, 58,341*l.* 7*s.* 11*d.*; in 1847, 60,839*l.* 6*s.* 5*d.*; and in 1848, 64,683*l.* 7*s.* 1*d.* It might be asked why they did not look to those who had acted as trustees and managers? He had a very simple answer to that question. The Savings Banks were established under the 9th of *Geo.* IV., c. 92, the ninth section of which made the trustees personally liable for their wilful neglect or fraud; but in 1844, when the Commissioners for the Reduction of the National Debt were aware that the Cuffe-street Bank was insolvent to the extent of more than 40,000*l.*, they repealed that section, and made the trustees only liable for the amount to which they would sign a guarantee. And how many of the trustees of this bank did they think had signed? Just two, for 100*l.* each. Surely, then, the Government ought to make good the whole of the deficiency. It was established by Mr. Higham's evidence that every account from 1833 showed a deficiency, beginning with 3,671*l.* in that year, and amounting to 32,000*l.* in 1847. These were not the real deficiencies, for Mr. Martin, the accountant sent over, found them to be above 60,000*l.* All this time the Commissioners of the National Debt were aware of this insolvency; and yet, when it amounted to upwards of 64,000*l.*, there was only 83*l.* to meet it. When the Motion was last before the House, the whole of the daily papers had condemned the course pursued, and said that the whole amount ought to have been voted. Though he and the hon. Member for Kerry (Mr. H. Herbert) had carried the Motion for a Committee, they had not even been allowed to name the Committee; and the Government had striven all in their power to obtain a less favourable report than was given. The case of the Cuffe-street Savings Bank was essentially different from those of the Kerry and Tralee Banks. In the latter cases the Commissioners did not know of the insolvency. To a tribunal of honourable and honest men he confidently appealed for the payment of the remaining instalment of the debt.

Motion made, and Question put—

"That this House will, upon Tuesday next, resolve itself into a Committee, to consider of an humble Address to be presented to Her Majesty, praying that Her Majesty may be graciously pleased to take the case of the sufferers in the Cuffe-street Savings Bank, Dublin, into Her Royal consideration, and to grant them a compensation for their losses, and to assure Her Majesty that this House will make good the same."

The CHANCELLOR OF THE EXCHEQUER said, this was one of those distressing cases with which every Member of the House must sympathise. No doubt a large number of poor persons, in Ireland, had suffered severely by the failure of this Cuffe-street Bank; and he was rather surprised that the hon. Gentleman who brought forward this Motion, while he was so indignant against certain branches of the Administration for their assumed negligence, had not bestowed some of his indignation on the managers of the bank, whose conduct had certainly been as profligate and iniquitous as could well be imagined. The House must not allow itself to be wholly carried away by sympathy for the sufferers, without inquiring into all the circumstances. There were many cases where Savings Banks had been conducted with a great want of ability and honesty, and a very considerable loss had necessarily occurred to the depositors; but no one could contend that it was the duty of Government to come forward and offer compensation for the want of ability and want of faith with which these institutions had been managed. The only ground on which an appeal had been made to the House in respect to this Cuffe-street Bank was, that there were some peculiar circumstances which distinguished it from the usual instances where great losses had been experienced by the depositors from the malversation or mismanagement of the trustees. The question had been frequently discussed in the present Parliament, and had been the subject of the elaborate inquiry of a Committee. Were it viewed in a very rigid spirit, he thought they must arrive at the conclusion that no relief whatever ought to have been granted. He did not regret that that rigid decision had not been arrived at. Instances would arise where it was not politic, and hardly possible, to come to a conclusion which could be supported by very severe principles of justice. There were certain appeals which, under peculiar circumstances, would enter into the management even of pounds, shillings, and pence; and, although he was not bound to support, still he could fairly say he sympathised with the case, and could comprehend how, after a painful and elaborate discussion, first the Committee, and then the House, had sanctioned the arrangement which took place in 1850. But this was the real state of the case. The grant of 30,000*l.* was then brought forward by the Government, and accepted, he believed, by the majority who required it, as a settlement of the question. It was very possible that one or two Members, while voting for that grant, might have protested against accepting it as a settlement of the case; but he insisted upon this as the proof that it was so offered by the Government. He could comprehend and sympathise with the arrangement thus made in 1850, and having carefully examined the subject, he could discover nothing to induce him to believe that the Government, under the circumstances, could have made a more considerate arrangement. The exceptional circumstance which marked the case of the Cuffe-street Bank from other Savings Bank failures in England and Ireland, no doubt arose from a certain appearance of negligence on the part of the Administration, which was alleged as the real cause of the loss; but he was certain that, were the case examined rigidly with respect to its merits, they could not, upon the conduct of the Commissioners of the National Debt and the Government of the day, found any legal or equitable claim for compensation. That being so, he might be asked upon what principle the 30,000*l.* had been voted. It was not necessary to go into that question. He remembered the temper of the House with which that proposition was received and sanctioned; but it was brought forward by the Government, he asserted, as a settlement of the question; and though there might be originally ground for disputing the wisdom, justice, or expediency of making a grant at all, or, if it were proposed, of proposing a complete one—as far as that House was concerned, the Vote at which it arrived was most certainly a settlement of the question. Believing this, and having great doubts, and more than doubts, whether with a rigid application of those principles of justice to which the hon. Member had referred, the Government would have been authorised in making any advance whatever—treating the question as a settled question—though he hoped he sympathised as much as any one with those who had suffered from the conduct of the trustees nnd directors of the Cuffe-street Bank—he did not feel authorised to accede to the Motion of the hon. Gentleman. Indeed, considering all the circumstances of the case, and the prolonged malversation that had occurred, the hon. Gentleman's clients might consider themselves very fortunate to have obtained the assistance they had done from Parliament. He did not know one instance where the sufferers from the mismanagement of a Savings Bank had been so compensated. Under these circumstances, it was his duty to resist the Motion. He did so with unaffected pain. It would be very agreeable to him to consent to a proposition which would give an entire repayment to those depositors; but the House must recollect that a great number of them had made deposits in contravention of the well-known laws and regulations of Savings Banks. Therefore, they had suffered not merely by the mismanagement of the trustees and directors, but they had made deposits which they were perfectly aware were contrary to the rules of the institution. These cases were mentioned in the Report, in the schedule of rejected claims. A woman named Doherty, of St. Stephen's-green, Dublin, had three accounts, all in fictitious names, altogether amounting to nearly 300*l.* Her claim was consequently discllowed. The hon. Gentleman could hardly say that that was an instance of suffering which had entirely arisen from the mismanagement of the trustees and directors. There were several cases of the same kind, which had been disallowed: in one the depositor had taken out three pass-books; in another, the party claimed under a will without having proved it. Of course, such cases could not be entertained. A sum of nearly 30,000*l.* had been appropriated amongst the depositors, and it was very difficult to establish the justice of that original Vote. He should be sorry to seem to oppose what any one thought a just claim, on the part of a suffering class; but if the House established a precedent, after having settled a case of this kind by a very liberal arrangement—if they once admitted as a claim to relief the plea that the Government had been cognisant of the mismanagement of a Savings Bank, there would be no end to the claims that might be made. The Cuffe-street Savings Bank, instead of being a case of unprecedented hardship, was remarkable for receiving relief, which no other sufferers had obtained. He trusted the hon. Gentleman would not press his Motion. The whole subject of Savings Banks was now under the consideration of Government, with the most anxious wish to meet the great difficulties of that very difficult subject, and, if possible, to place their affairs on such a footing as to render catastrophes like this impossible in future. With regard to the victims in the present case, remembering what had occurred, he could not feel it his duty to sanction the views of the hon. Gentleman, and he must be placed in the painful position of opposing the Motion.

MR. H. HERBERT could have wished the subject not to be again discussed on the present occasion. Considering the impossibility of the right hon. Chancellor of the Exchequer having yet devoted his attentiou to it, it was to be regretted that the hon. Member for the city of Dublin had now brought it forward. He (Mr. H. Herbert) had been the original mover of this question, for the appointment of a Committee, and not the hon. Member for the city of Dublin, as he had stated. He (Mr. H. Herbert) contended that this was not merely an Irish question. It was one equally affecting England, as there had been as many failures of Savings Banks in this country as in Ireland. He admitted that if the trustees had done their duty, no loss would have been incurred; but it should be remembered that in 1844, up to which time they were legally responsible to the depositors, the Legislature had stepped in and relieved them from that responsibility. The consequence was, when the failures occurred, the depositors had neither the responsibility of the trustees nor the

Government. In the failure of a private bank, the creditors could come on the private resources of the banker; and why should not the depositors in Savings Banks have some such security? It had been thought necessary, by reason of the great sums now deposited in Savings Banks, to relieve the trustees from their responsibility; but surely some substitute should have been provided. It was said by the right hon. Gentleman the Chancellor of the Exchequer, that this was the only case where the sufferers had been compensated by the Legislature. But in the case of the Exchequer Bills' frauds in 1844, where the sufferers were rich merchants, compensation had been provided; and surely the poor depositors in Savings Banks, who had suffered, had as good a claim. He rejoiced to hear that the whole question was under the consideration of the Government. After that pledge was fulfilled, he should bring forward a Motion on the subject. Till then he would recommend that the Motion of the hon. Member for the city of Dublin should be withdrawn. If the hon. Member divided, he (Mr. H. Herbert) should support the Motion, being an advocate for a full measure of justice.

MR. NAPIER, would also strongly recommend the hon. Member for the city of Dublin to withdraw the Motion, at the same time he was bound to say a few words in explanation of the opinions he had formerly expressed on the question. He still retained those opinions, and had formed them in consequence of the admissions in the Report that the Commissioners for the Reduction of the National Debt had greatly neglected their duty in not exercising the powers with which they were entrusted. No question was of more importance to the community than that of Savings Banks, and he rejoiced to know that his right hon. Friend the Chancellor of the Exchequer was about to direct his attention to the subject. He hoped—indeed he had reason to believe—that arrangements were in contemplation for putting those institutions on a basis which would give that security to depositors to which they were entitled. Under these circumstances he recommended the hon. Gentleman not to press his Motion to a division.

MR. HUME said, the evil arose in consequence of the fault of the public officers, whose duty it was to ascertain the solvency of the bank. The depositors in the Cuffe-street Savings' Bank had lodged their money with as much confidence in its safety as if they had placed it in the Exchequer chest. He believed that the Government was liable to make good those losses; but he put it to the hon. Gentleman the Member for the city of Dublin, whether, after the declaration of the right hon. Chancellor of the Exchequer, he would press his Motion to a division, as he did not think he would gain anything by taking so premature a course.

SIR HENRY WILLOUGHBY said, that the Commissioners for the Reduction of the National Debt permitted the Cuffe-street Savings Bank to go in long after its affairs had become insolvent. In his opinion, the House was bound to find the remaining 34,000*l*., because, as the Legislature had stepped in, and taken away the responsibility of the trustees, it was only just and fair that it should make good the losses caused by the ignorance and misconduct of public officers. Put Savings Banks under the care of the Comptroller General, or of some responsible persons, and these malversations would no longer occur. He should vote for the Motion if it went to a division.

MR. SCULLY did not think the Motion could with justice be resisted, for the Report of 1850 showed the Cuffe-street Bank to be wholly distinct from every other Savings Bank in the United Kingdom. The fact of the House of Commons having sanctioned the vote of 30,000*l*. two years ago, was an admission of the principle that the depositors ought to be fully compensated. He believed that the depositors in this bank had suffered very severely from its stoppages, and that the fault lay with the public officers, who had neglected their duty. Should the right hon. Chancellor of the Exchequer give a promise to the hon. Member for the City of Dublin that he would consider the case of the Cuffe-street Bank, *per se*, when the general question should come before the House, he (Mr. Scully) would advise the hon. Member to withdraw his Motion; but to press it in the absense of such a promise.

MR. GROGAN had heard with great pleasure the announcement made by the right hon. Chancellor of the Exchequer that the whole question of Savings Banks was to be fully considered; but the right hon. Gentleman's statement, to the effect that he considered this question finally settled by the grant of 30,000*l*., pained and disappointed him. A Committee, consisting of the leading financiers of that House, had been appointed solemnly to consider this subject, and the result was that the late Chancellor of the Exchequer proposed a vote of 30,000*l.* for the mitigation of the injuries suffered by the depositors in the Cuffe-street Savings Bank. Now, if the guardian of the public purse, the Chancellor of the Exchequer, found the case so strong as to induce him to make that proposition, on what ground could the remaining 10*s.* in the pound be withheld? He admitted that the moment chosen for bringing forward the question was premature; but that did not alter the justice of the case, and he wished to be understood that he was not advocating the claims of those depositors who had violated the Act of Parliament.

MR. W. WILLIAMS said, in this case the public had been placed in a most unfortunate and anomalous position, for if the principle were laid down that these losses should be paid out of the public taxes, every other Savings Bank would have an equal claim. He trusted the right hon. Chancellor of the Exchequer would take into consideration the propriety of making an alteration in the existing law so as to afford protection to the public as well as to the depositors.

MR. REYNOLDS, in reply, said, he must decline to respond to the appeal made to him to withdraw the Motion, after the declaration of the right hon. Gentleman the Chancellor of the Exchequer, that these depositors were fortunate in getting so much as they did, and had made a most capital bargain. Were the right hon. Gentleman to promise, without pledging himself to any particular decision, that when the whole question of Savings Banks was investigated, the particular case of the Cuffe-street Savings Bank would also be considered, he would, in that case, withdraw the Motion for the present. He had been asked privately why he did not bring forward this subject last year. His answer was, the Ecclesiastical Titles Assumption Bill stood in the way. Until the dogdays almost there was hardly a single night in which he had not some quarrel with Her Majesty's Ministers about that Bill, and from the cat-and-dog life he then led with them, they were, of course, anything but disposed to go out of their way to accommodate him with reference to this or any other subject. But now the case was altered, because he found upon the Ministerial benches opposite no fewer than seven hon. Gentlemen who voted with him in 1850, including the noble Lord the Member for Tyrone (Lord C. Hamilton), the hon. and gallant Gentleman the Member for Portarlington (Colonel Dunne), and the hon. and learned Gentleman the Member for the University of Dublin (Mr. Napier); and, therefore, he thought it a favourable opportunity to bring the subject again before the House. He regretted that the eloquence of the right hon. and learned Attorney General for Ireland had had so little effect upon the right hon. Gentleman the Chancellor of the Exchequer. He had hoped he would have taken counsel of his Irish advisers on this subject, for they knew its merits well, and could give him good advice upon it. He begged to say that he had no anxiety to call for a division on this occasion, provided he had something like a reasonable ground to hope that, when the whole question of Savings Banks came to be considered, this subject would be taken into consideration at the same time; but, unless this assurance were given him, he must divide now.

House *divided*:—Ayes 40; Noes 169: Majority 129.

INDUSTRIAL AND PROVIDENT PARTNERSHIPS.

MR. SLANEY, after presenting two petitions in favour of Industrial and Provident Partnerships, proceeded to move for leave to bring in a Bill to legalise the formation of such partnerships. He said that the discussion which had just taken place was not a bad introduction to the Motion of which he had given notice, showing, as it did, how difficult it was for the humbler classes of society in this country to find a safe mode of investing their scanty savings. His attention had been devoted to the subject for many years. So far back as 1830 he obtained a Committee of the House to consider the means of lessening the evils arising from the fluctuation of employment in manufacturing districts. On that Committee he had the able assistance of the late Lord Spencer, and the Report which the Committee afterwards presented to the House stated the difficulties under which the working classes laboured with respect to their investments, and pointed out certain remedies for the purpose of removing those difficulties. In 1840 it was his good fortune to obtain another Committee on the evils affecting the humble classes in large towns; and it was his lot, in connexion with that inquiry, to meet with many intelligent operatives in different parts of the Kingdom, who all expressed their earnest desire that facilities should be given to them to make investments of their savings. In 1850 he was fortunate enough to obtain a Committee to investigate the legal obstacles which stood in the way of investments of the middle and humbler classes, and those obstacles were clearly pointed out in the Report of that Committee. Last year a Committee sat upon the Law of Partnership, and the obstacles which that law placed in the way of these humble parties, and they reiterated the recommendations stated in the first report, that those obstacles ought to be removed which prevented the advantageous employment of small savings. The main principle which affected the welfare of the wages of the people, was simple and clear. It was too often neglected, but was of the first consequence to be understood. Their wages must depend upon the proportion of the supply to the demand, and the amount of capital employed. The legal obstacles which stood in the way of the accumulation of capital, and of the use of that capital in the demand for labour, were extremely great. When these parties joined together their capital and industry, if one single person took hold of the partnership property, there was no tribunal before which he could be brought to answer for his misdeeds; there was no mode in which they could sue or be sued. What they asked was this: the enactment of a simple law, enabling them to invest in directors of their own choice their own property, and the establishment of a simple tribunal for the settlement of those disputes. They did not ask for unlimited liability, but simply that the provisions of the Friendly Societies Act (13 & 14 *Vict.*, c. 115) should be extended to them.

MR. WALPOLE said, that on the part of the Government he should not offer any objection to the introduction of the Bill, the details of which could be discussed on a future occasion.

Leave *given;* Bill *ordered* to be brought in by Mr. Slaney, Mr. Sotheron, and Mr. Tufnell.

BORNEO—SIR JAMES BROOKE.

MR. HUME moved—

"That an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, a Copy of Letter from Mr. Robert Burns to Viscount Palmerston, dated Singapore, 28th day of June, 1851, with its Inclosures, complaining of the obstructions and discouragements he had received to his commercial affairs in Borneo, at the hands of Her Majesty's Commissioner and Consul General to the Sultan and independent chiefs of Borneo, whilst prosecuting his lawful commercial proceedings in that country; together with Copy of any Answers thereto."

MR. HENRY DRUMMOND said, the hon. Gentleman a few nights ago had given notice of a Motion similar to the present, but that Motion contained a statement that was not the fact. The same operation was performed by the hon. Gentleman several times last year. He kept continual Motions on the paper relating to the conduct of Sir James Brooke; and, upon the same principle, he (Mr. H. Drummond) supposed, that calumny, like flattery, should be laid on thick enough, so that some of it at last might stick, the hon. Member had contrived to keep that gentleman's name before the House until the end of the Session. The hon. Gentleman had had the kindness and urbanity to write him a private letter to beg him to take the earliest opportunity, when this subject came before the House, to make some *amende* respecting some observations which he (Mr. H. Drummond) had made as applied to a Mr. Miles last year. He (Mr. H. Drummond) replied to the hon. Gentleman in general terms that he would not do in private that justice to Mr. Miles which the hon. Gentleman had requested him to do, but he would do that justice to Mr. Miles in his place in that House whenever an opportunity occurred. Repeatedly had he sought that opportunity, but never had he been able to get one; and he was not now going to apologise for, or extenuate, or deny one word he had said last year; on the contrary, he only insinuated last year that which now he was going to assert positively, that this Miles was a runaway convict. The hon. Gentleman had himself not clean hands with respect to this Miles, for he had published in the papers read in this House a letter from this Miles, which he (Mr. Drummond) had shown to be a forgery. He proved it to be a forgery from the handwriting of that gentleman—a gentleman he would not call him—of that man, and that he could neither spell nor write. Nevertheless, that false testimony the hon. Gentleman made use of, and never had he explained either to Sir James Brooke or to that House why he brought forward that false testimony. He (Mr. H. Drummond) had asserted that Miles, upon whose information the hon. Gentleman relied, was a runaway convict. He insinuated it before; he now said it, and he said that Miles was worse—that he was a thoroughly worthless fellow, and he would now proceed to prove what he had stated. He had an affidavit by a Mr. Henry Adams, which was as follows:—

> "Western Australia, Perth, Oct. 10, 1851.
>
> "I, Henry Adams, late of Adelaide, in the province of South Australia, but now of the colony of Western Australia, master mariner, master and owner of the schooner *Unknown*, solemnly declare as follows:—That is to say, that I was in the police force in the province of South Australia for about fifteen months; that a person who passed by the name of Peter Loyd kept a house of ill fame called the Scotch Thistle; that the police force always had their eyes on the said Peter Loyd, as he was considered a very bad character, and that the Scotch Thistle was frequently searched by the police for stolen goods, and for persons suspected of robberies; that I saw a man called William Miller accuse the said Peter Loyd openly upon a racecourse in South Australia of having picked his pocket, when several bystanders declared they had seen the theft committed by the said Peter Loyd, and when I saw the said Peter Loyd return the said William Miller the sum of 3*s*., being the amount alleged to have been stolen from him on that occasion by the said Peter Loyd; that the stores of Messrs. Murray and Gregg, of Adelaide, were robbed, and that there was very strong ground for suspecting the robbery had been committed by the said Peter Loyd and a man named — Ring; that a reward was offered by the local Government for their apprehension, and the police were sent in search of them, but were unable to arrest them, as they rode to Cape Jervis, and succeeded in getting on board a vessel shortly before the arrival of the police in pursuit; that I knew him, Peter Loyd, well during his residence in Adelaide, and that he there lived with a woman who passed as his wife, and who escaped with him from Cape Jervis; that I heard this woman state that he, Peter Loyd, was a runaway convict: that I did not again see the said Peter Loyd, until the year 1844, when he arrived at Freemantle, in the said colony of West Australia, as owner of the *Buffalo*, from Singapore, and passed under the name of William Henry Miles; that I at once recognised him, and could not be mistaken as to his identity; that I then heard he was about to be married to a daughter of a Mr. Wickstead, who kept a public-house at Freemantle, and that I conceived it to be my duty to, and I accordingly did, communicate to Mr. Wickstead what I knew of the said Peter Loyd or William Henry Miles, and particularly that I had reason to believe he was then a married man; that I afterwards met at Singapore several persons who informed me that the woman whom I had formerly known as the wife of the said Peter Loyd, or William Henry Miles, at Adelaide, and also Mrs. Miles, the daughter of the said Mr. Wickstead, whom the said Peter Loyd, or William Henry Miles, married at Freemantle aforesaid, had both been resident at Singapore together; but I did not on that occasion see the said Peter Loyd, or William Henry Miles, as he was then at Labuan, where I learned he had gone to lease or work a coal mine.
>
> (Signed) "H. E. ADAMS."

> "Subscribed by the abovenamed H. E. Adams in my presence, at Perth, Western Australia, this 10th day of October, 1851.
>
> (Signed) "W. H. MACKIE, J.P.,
> Commissioner of the Civil Court of Western
> Australia, and Chairman of the Court of
> Quarter Sessions."

It was upon the authority of that man that the hon. Gentleman brought forward all his charges against Sir James Brooke last year; and that was the man whom the hon. Gentleman called upon him, on the authority of a respectable London merchant, to do justice to. The respectable London merchant stood godfather for the respectability of Peter Loyd, a partner in his veracity and in his respectability. Would the hon. Gentleman be so good as to tell the House who was that respectable English merchant? Respectable!—yes, perhaps he kept a gig.

MR. HUME hoped the hon. Gentleman who had just spoken would tell the House where he had got the document from which he had just read. For himself, he would say that he did not believe a word of the allegations contained in it. He had stated to the hon. Gentleman, that as he had in his place calumniated Mr. Miles, he thought it was an act of justice to explain it, and he asked the hon. Gentleman whether he had seen the proceedings that had taken place in the Court of Singapore against the *Singapore Free Press* for a libel, in consequence of the statement mentioned by the hon. Gentleman. Mr. Miles's letter was given to him by a merchant on whose authority he relied, and he published it on that authority—the authority of a respectable English merchant in this country. The hon. Gentleman had on a former occasion produced a document, and said that Mr. Miles could not write. The letter, certainly, was badly spelt; and, if that was a type of what that individual could write, he should say it was not very creditable. But how did that letter get into the possession of the hon. Gentleman? Was it stolen when the troops made the attack which had before been referred to, at the suggestion of Sir James Brooke? and did that hon. Gentleman know that Mr. Miles had brought an action in the Court of Singapore against Sir James Brooke or his agent? In the opinion of the Judge at Singapore, the real libeller was the hon. Member for West Surrey. As to Sir James Brooke, his conduct had continued as monstrous as it had begun. Before any satisfaction had been made for his previous excesses, Sir James Brooke, on the 31st of July, had an ambush laid for 4,000 persons, whom, in order to create a pretext for plundering them, he chose to call pirates, whereas they were not pirates, nor anything of the sort: they were Dyaks. If there were any pirates, they are Malays. Of those 4,000 persons, 500 were barbarously slaughtered, and 1,500 more or less injured; for the massacre and injuries of these poor people the Government had to pay 20,700*l.*; yet no inquiry was to be granted into this barbarous and disgraceful outrage.

Notice taken, that forty Members were not present.

House counted, and forty Members not being present,

The House was adjourned at Eight o'clock.

HOUSE OF LORDS,

Friday, March 19, 1852.

MINUTES.] PUBLIC BILL.—2ª Patent Law Amendment (No. 2).

COMMERCIAL POLICY.

The DUKE of NEWCASTLE, in pursuance of his notice, presented a petition from the Directors of the Manchester Commercial Association, praying that the country may as speedily as possible be relieved from the state of anxiety and suspense which at present so extensively prevails among all classes of the population as to the course of Commercial Policy which Her Majesty's Government proposes to adopt; and said: I should have been happy, my Lords, to have pursued the more usual course in regard to petitions sent up to your Lordships' House, and to have presented this petition without giving notice, or without even the few observations with which I think it now necessary to preface the presentation of it, had it not happened that in his speech on Monday last the noble Earl at the head of Her Majesty's Government, in dealing with another petition on the same subject, besides amusing the House with various jokes at the expense of the petitioners who signed it, denied the truth of their grave assertions, and expressed his doubts of the alarm which they professed to feel, and altogether impugned the justice of the prayer with which they concluded. As the noble Earl on that occasion laid great stress on the ignorance of those petitioners with regard to the subject with which they were dealing— [The Earl of DERBY dissented.] I certainly understood the noble Earl to say, that an auctioneer was not a competent judge on such a subject; but whether that be so or not, I wish to call your Lordships' attention to the petition which I have now the honour of presenting, and which I received the day after the former petition was presented, not indeed from Snaith, but from Manchester—not from an auctioneer and a surgeon, but from men whose entire lives have been devoted to the consideration of commercial questions—men whom even the noble Earl must admit to be intimately acquainted with such subjects—men whom, as a resident and large proprietor in the same county, and as a Member of this House, and as Prime Minister of this country, the noble Earl must regard with respect when they come before your Lordships for the purpose of expressing their opinions on any, but more especially on this, subject. The petition comes from the Manchester Commercial Association. And what is that Association? It is not a political association—it is not even, so far as I know, opposed in general politics to those of the noble Earl; but it is composed of men who combine together for no other object than to promote the general interests of commerce—of men who differ on all political points excepting this —of men who for the most part never belonged, I believe, to any party, either in this or any other House of Parliament —and of men who never come before us except on questions with which they feel themselves peculiarly conversant. I therefore think, my Lords, that you will agree with me that some deference is due to them, and that, however you may be inclined to dispute the competency of others to judge of this question, you must attach some importance to their opinions when regularly brought before you. I shall read their petition to your Lordships, as it is but short. Here the noble Duke read the following petition:—

"To the Right Hon. the Lords Spiritual and Temporal of the United Kingdom of Great Britain and Ireland in Parliament assembled,

"The petition of the Directors of the Manchester Commercial Association, by their chairman,

"Humbly showeth—That your petitioners, being deeply conscious of the great advantages which have accrued to the general interests of the country from the adoption of a free-trade policy, feel called upon to deprecate in the strongest manner any attempt at the reversal of the commercial legislation of the last few years.

"That your petitioners are firmly of opinion that no return to protective duties can be permanent, and that any attempt at their re-establishment would only lead to continued and organised agitation.

"That a state of uncertainty is at all times prejudicial to the operations of trade and commerce.

"Your petitioners would, therefore, most respectfully but earnestly entreat your Lordships to relieve the country as speedily as possible from that state of anxiety and suspense which at present so extensively prevails among all classes of the population as to the course of commercial policy which Her Majesty's Government proposes to adopt. And your petitioners will ever pray.

"Manchester, March 10."

Now I hope, my Lords, that I may be permitted to add my humble testimony to the truth of these assertions, so far as my experience in my own county—a large manufacturing and agricultural county—is concerned. The noble Earl on a former occasion seemed to entertain doubts whether any mischief or inconvenience could result at the present time to the agricultural part of the community, from the state of uncertainty in which the country is left regarding the question of free trade, because, he said, the operations of husbandry were over, and would not be resumed for some months to come. But, my Lords, there are other more important matters respecting which this suspense must be of the greatest possible mischief. It must prove mischievous, not merely with regard to contracts between landlord and tenant, but with reference to many other transactions; and it leaves a doubt on the minds of the farmers of the country, which is greatly to be deprecated under any circumstances. I could easily show, my Lords, that if the agricultural interest be injuriously affected by this suspense, the manufacturing and commercial interests are still more so. The noble Secretary of State for Foreign Affairs, who is now sitting by the side of the noble Earl, must be well aware that already from various parts of the Continent we have received representations of the mischief accruing to them from this uncertainty existing in the English markets. [The Earl of MALMESBURY intimated his dissent.] The noble Earl appears to doubt the fact; but I have myself seen representations from Austria, Naples, and Denmark, all communicating the mischief which those States apprehend from the continuance of suspense in the operations of trade in this country. I may be told that countries like Austria and Naples, whose policy is so restrictive, have no reason to complain; but Denmark stands on a different, and I may add a higher, footing. I am not, however, looking so much to the interests of those countries, as I am, my Lords, to the interests of this country, which appear to be stagnated by the uncertainty which now prevails as to the continuance of free trade. If I should be told, in that stereotyped phrase which I have seen used in so many addresses to the electors of this country, that this is a matter of indifference, because you cannot fight hostile tariffs with free imports, I shall reply with the undeniable fact that this is by no means an undisputed axiom; for however little we may have met with reciprocity in other times, this I can say, that there never was a time in the days of reciprocity treaties and treaties of commerce when so large a relaxation of hostile tariffs was made as has been made during the prevalence of the principles of free trade. If any inconvenience is still felt on this point, it does not attach to the establishment of the system of free importations without any guarantee for their reciprocity, but it has arisen from the uncertainty which has prevailed as to our perseverance in the system during the last five or six years; and it is owing to the course adopted by the noble Earl opposite and his friends around him, and by certain hon. Gentlemen in the other House of Parliament, that this uncertainty has existed so long. I know that you may tell us—and justly and consistently with your views—that the fault lies with us, because we introduced the system to which you are hostile, and which you consider to be false, impolitic, and abortive; whilst we attribute it to obstinacy on the part of those to whom we are opposed, who attempt to maintain false principles of trade, and desire the revival of an obsolete and exploded system. But, my Lords, it is not merely as to the trade in corn that this uncertainty is prevalent. It prevails, and must continue to prevail, as to all other articles of commerce. I was glad to find that the right hon. Gentleman the Secretary of State for the Colonies announced the other day in his place in the other House of Parliament, that it was not his intention to proceed this Session with a Bill which he had introduced there, but before he was appointed to his present office—I mean a Bill for the suspension of the scale by which the sugar duties have been graduated, and that he reserves for a future Session that question; but, nevertheless, there must exist great uncertainty with such an understanding as this as to what our policy is to be next year on this very important question—an uncertainty that must operate prejudicially on the colonies, derange all the views of colonial merchants, and produce effects that must be deplored. There is, indeed, one great interest in the country which I do hope will now proceed without any interference or uncertainty; for, although the right hon. Gentleman the President of the Board of Control did agitate the ship owners greatly by the speech which he made on the hustings at Stamford, the noble Earl at the head of Her Majesty's Government has, with great wisdom, within the walls of this House, set the question at rest by stating broadly and explicitly on Monday last, that he adhered to the opinion which he had expressed when the repeal of the navigation laws was under discussion, that when that repeal was once carried, it must be final and irreversible. I will not, my Lords, on this occasion enter into any discussion on the policy or impolicy of the corn laws. I not only retain the opinions unchanged which I expressed when the repeal of them was under consideration, but I have had them strongly confirmed by everything which has occurred since; but in the circumstances of the present time I wish to make some further observations to your Lordships before I conclude with the question which I mean to put to the noble Lord at the head of the Government. I wish most sincerely to avoid, in what I am going to say, any observations which may create, I won't say any difference of opinion—for the whole question is one of difference of opinion—but any of those feelings which can produce a hostile debate. I shall say nothing on this subject, except what bears upon the question with which I am about to conclude—I mean the question regarding the position of the Government and the country. And, first of all, I beg you to remember, my Lords, what has already ensued since the repeal of the corn laws some five or six years ago. That measure, as you know, broke up a powerful Government; it brought into hostile array what was before an united party; in some instances it turned sincere friends into political enemies; and it has done worse than this—it has rendered during five or six years the carrying on of a Parliamentary Government a matter of extreme difficulty in the hands of any Minister. I advert, my Lords, to this only to urge upon the noble Earl at the head of Her Majesty's Government to avail himself of the great position which he now occupies to allow this uncertainty to exist no longer, and to run as little risk as possible of the occurrence of any events which may preclude the final settlement of this question, which is now easy. My Lords, in these days of European change, you do not know, you cannot tell, in what state this country will be in the month of February next, although all is calm now. I therefore deprecate even for two months longer the continuance of uncertainty, and I deprecate still more the struggle which may arise out of it. I know that the noble Earl opposite is anxious to see it closed. I know his patriotism so well, that I am sure, however it may be settled, he will rejoice in being instrumental to the restoration of that tranquillity and repose which will attend that settlement. It will be necessary, my Lords, to remove this uncertainty by a settlement of the question one way or other before you can proceed in a satisfactory manner to those social questions and to those internal reforms which the noble Earl at the head of the Government, in the explanation of his policy, which he gave on accepting office, declared it to be his humble but useful duty to accomplish. Let the noble Lord recollect the state of the population and the magnificent scene in which he took part some time ago, and let him remember the reception of the Sovereign of this country by the thousands and hundreds of thousands who assembled last autumn in Manchester and Liverpool with one unanimous voice of loyalty and devotion. In former times such people met, not to greet their Sovereign, but for other purposes not so intimately connected with the interests of this country; and when the noble Earl reflects on that scene of universal satisfaction, I think he must agree with me that nothing should be done by which the happy circumstances of those days should be changed. I shall say no more on this part of this question, except so far as a dissolution of the present Parliament necessarily bears upon the whole question. Apart from this question of the food of the people, apart from this important question of the state to which the population may be reduced by the continuance of this suspense, I must now tell the noble Earl that there is arising at present out of the declaration which he made in this House on Monday last a question of considerable importance, which must and will grow from day to day, and which, if not settled soon by a change in the determination of the noble Earl, will (in my conscience I believe it) be of a dangerous character to the best interests of the country. My Lords, I go the whole length of saying that if the noble Earl at the head of the Government perseveres in his determination that the business of the country shall be carried on, and that an attempt shall be made to bring in measures of legislation, and to carry them through Parliament, while he is, according to his own confession, in an undoubted minority in one House, and in a doubtful majority in the other—[Lord REDESDALE dissented.] I will allow my noble Friend opposite to correct me if I am wrong; but I think that if he had listened to the speech of his noble Friend at the head of the Government, he would not have interrupted me. I would not have ventured to express an opinion upon this point until it had been tested by a hostile division, had not the noble Earl (the Earl of Derby) manfully confessed on one occasion that he was in an avowed minority in the House of Commons, and in a doubtful majority here. I have, therefore, I think, a right to assume that as a fact, and to use it as such in debate. Well, then, if the noble Earl adheres to his intention of bringing into Parliament, where his position is such as I have described, legislative measures of importance, not of pressing and immediate urgency, I say that by that course, which is at once unconstitutional and unknown in the history of the country, he will be endangering in a very serious degree indeed the principle of representative government in England. I know, my Lords, that both out of doors and within the walls of Parliament an attempt has been made to defend this course by the example of Mr. Pitt. I am confident that the noble Earl himself has read history too well to see any analogy between the two cases. Mr. Pitt's case forms no precedent at all. What was Mr. Pitt's struggle with a powerful Opposition? Mr. Pitt's struggle was to pass a Bill in order that he, as the servant of the Sovereign, might dissolve the Parliament; and, without passing that Bill, a dissolution was impossible at the hands of any party—for the Bill in question was the Mutiny Bill. Such, I repeat, was the course of Mr. Pitt; but what is the course now proposed? It is not to dissolve Parliament as soon as those measures of pressing urgency are carried, but to introduce, and, if possible, to carry through Parliament, legislative measures of various kinds and of different degrees of urgency before a dissolution is decided upon. My Lords, I must say that neither the precedent of Mr. Pitt, which has been adduced by some politicians, nor the view which the noble Earl himself has taken of his own position at present, is a sufficient justification for such a line of policy. The noble Earl said the other night that he was in a peculiar position—that he had been forced into office. I certainly cannot agree in the truth of that assertion; I entirely dissent from it; nor can I for a moment admit that he had a right to make the assertion. It was answered so well and so fully on a former night by a noble Earl near me, that I feel it unnecessary to touch further on that topic; but even if it were as the noble Earl has stated, I say that there is no justification for his persistance in a system which is not fully recognised by the Constitution. My Lords, the real truth is, that the position of Her Majesty's Government at the present moment is, as the noble Earl must himself admit, a position of great anomaly. I deny that the noble Earl was forced into the Government by anything whatever; on the contrary I most fully admit that he sits upon those benches by what I may venture to call a right. Still, I repeat once more, his position is an anomaly. What, my Lords, are the circumstances under which the noble Earl is sitting there? He was at the head of a large party—indeed of the only large party in the country, save that of which a noble Lord in the other House is the acknowledged head. Nothing, therefore, could be more natural, or more in accordance with those constitutional rules from which the Sovereign of this realm has never swerved, than for Her Majesty to call on the noble Earl to form an Administration. The noble Earl has, therefore, no reason to apologise for his position; but still I say that it is an anomaly. He is not to blame if he finds it a novel one. But, my Lords, I think he is bound when he has carried the business of the Government to a certain point, to advise a dissolution. But I maintain that if he remains in the disposition which he announced to us on a former night, his position will be not only an anomaly, but also an unconstitutional position. Up to the poin that is necessary, the noble Earl may go; beyond that, everything he does must be done on his own responsibility; and when anything is done that is not necessary, the position of the noble Lord becomes one that is unconstitutional. The noble Lord, under the circumstances in which he is placed, was driven to an expedient which, I confess, it gave me great pain to hear of. The noble Earl, in the speech which he addressed to your Lordships in explanation of his reasons for taking office when he was in an avowed minority in the House of Commons, and in a doubtful majority here, threw himself on the indulgence of his friends and the forbearance of his opponents. [The Earl of DERBY dissented.] I am anxious to be corrected if I mistook the noble Earl's expression. I confess that this is a position in which, in my opinion, the Minister of a free country like this ought not to be placed; but it is the natural consequence of the noble Earl's determination to carry on measures of legislation for the country, while he is in a minority in the other House of Parliament; and it is an appeal which I believe no Prime Minister of this country ever made before, and which—with the high respect and admiration that I sincerely feel for his manly and chivalric character—I could not have believed that the noble Earl would be the first to make. But this, I say, is the consequence of the position which I have already condemned, and in which the noble Earl has placed himself; and it is one from which I am anxious the noble Earl should remove himself as soon as possible; and this must continue to be the consequence so long as the noble Earl performs the duties of Prime Minister without the confidence of the House of Commons; and so long as he attempts to legislate beyond what is required for the pressing emergencies of the country, he is, under the circumstances, pursuing a system which is perfectly unconstitutional. It appears to me, my Lords, that no legislation which is not immediate and urgent should be attempted at present, even if the noble Lord continues to persist in his opposition to the policy of free trade; if he does not declare his policy in respect to free trade, a dissolution becomes still more imperative; although under any circumstances I think that measure the only step open to the noble Earl. I have once or twice touched on the fact that certain measures must be passed before we can have a dissolution of Parliament. But what are they? We are sitting here, if not as an Opposition, certainly not as the supporters of Her Majesty's Government. [*Ironical cheers from the Earls of Malmesbury and Lonsdale.*] The noble Lords are welcome to their cheers, but I say distinctly that as long as the Government has any reservation of opinion on the policy of free trade, as long as we have not a declaration from the Prime Minister that no attempt will be made to restore the corn laws, so long shall I be in opposition to the Government; but the noble Earl may be assured that he will have no more factious opposition from me than had the noble Marquess who is now sitting near me when he and his friends were in office. I gave to the late Government my support when I could conscientiously, and I shall do the same by the present Government; but I tell the noble Earl that as long as there is this important difference between us on the corn laws—the noble Lords may again cheer me if they please—so long shall I consider that I am the opponent of his Government. When that question of difference is set at rest, when the noble Earl shall pursue the same policy which he pursued when I was a Colleague of his under the Administration of Sir Robert Peel; the noble Earl may rely that there is no man in this House from whom he will receive a more candid consideration of his measures than from me, and there is no man who will evince less anxiety to thwart his plans than I. I was about to say some minutes ago, when I was interrupted, that those who are in opposition to his Government only recognise two votes as absolutely necessary for the Government before a dissolution, namely, the Mutiny Act and the Vote in Supply. But I am confident that if the noble Earl came to the House and said, "There are some other measures which must necessarily be passed, and which I, as the responsible Minister of the Crown, think I could not carry on the Government without bringing forward"—if the noble Earl came before the House and gave that assurance, I am sure he would meet with the most ready assistance from all of us. And, my Lords, I say this with special reference to any measure relative to the defences of the country, though so far as my own opinion is concerned, I do not think that the noble Earl should bring forward a measure so important as that which has reference to the establishment of a militia in a condemned expiring Parliament; and I would wish the noble Earl to postpone it until a new Parliament is assembled. Then when we come to consider the important measure of Chancery reform, which is to be brought in in this House, and may perhaps pass here—I should think that the noble Earl at the head of the Government and the noble Lord on the woolsack would be greatly endangering that most important measure, if, in the present state of the House of Commons, that measure is laid before them. My Lords, I think that a measure in which so many interests are involved, will not be considered in a fair spirit in a Parliament which is not led by the Government—a Parliament which, from its devotion to other subjects, and the interest it feels regarding its own re-election, will be exceedingly unlikely to go into the important examination of a question that requires the greatest calmness and consideration. My Lords, I have already denied that there is any intention on my part to offer a factious opposition to the Government of the noble Earl, and the noble Earl can deduce so much from what the House of Commons has already done with regard to the Votes of Supply; but rely upon it that I am not speaking my own individual opinion alone of the unconstitutional position of the Government if they attempt to carry on the legislation of the country without a dissolution for three months from this time. My Lords, it should be recollected that the House of Commons, apart from the Government of the day, have a duty to perform; and when I see that it is in the power of the House of Commons to insist upon this point, I must greatly deprecate any act of the noble Earl which I think is likely to bring on a quarrel between him and the other servants of the Sovereign on the one side, and the representatives of the people in the House of Commons on the other. That quarrel may be short, but nevertheless it may be followed by consequences which may prove most injurious—and all for the attainment of an object that appears to me of the smallest possible value; whereas the importance of taking an opposite course must be palpable to all. The noble Earl on a former night said, that one of the great objects of his Government should be to raise a barrier against the progress of democracy, and to maintain the prerogatives of the Crown unimpaired; but I think my Lords, that, so far from raising a barrier against the progress of democracy by the course he is taking, he will throw down the barriers that already exist, and give encouragement and facilities for accomplishing a progress in that direction which the legislation of late years has tended greatly to reduce. And, my Lords, with regard to the opinion of the noble Earl respecting the prerogatives of the Crown, I go along with the noble Earl to the fullest extent, except this—I think that he will endanger the prerogatives of the Crown if he venture in this manner to strain them. With respect to the course that may be taken by those who differ from the noble Earl in another place on an important question, it is not perhaps for me to speak; but I feel assured that if the noble Earl shall give us a fair assurance respecting his intentions, there will be a general and confiding trust in the word of the noble Earl—that the question will be at rest from this moment—and that he will only have to ask for a supply, which will be most readily given. My Lords, it may be said that there may be some constitutional objection to making the announcement which I ask him to make; but I cannot see that such is the case. I have referred to precedents upon this point, and I have found some that must prove perfectly satisfactory. The noble Earl stated, or some other individual of his party stated, that the Commons' House of Parliament had nothing to do with its own existence—that that is a matter for the Crown—that it has to attend to its own business, and the question of dissolution rests with the Sovereign and with the Minister. That may be to a great extent true—the position may be sound—but with regard to the announcement I ask for, I beg to remind your Lordships that the Sovereign has on many occasions made such an announcement. In the year 1807, in the year 1831, and on other occasions, statements were made in the Speeches from the Throne with respect to the course which the Government intended to take with reference to a dissolution, and with reference to the summoning of another Parliament. There is also the case of Lord John Russell in 1841; who, upon being asked a question on the subject of the intentions of the Government by the late Sir Robert Peel, stated most distinctly, that under ordinary circumstances, it would be highly inconvenient and improper that any question should be asked with respect to what advice he might feel it his duty to give to his Sovereign; but he said that he looked upon an occasion such as that as one of a most extraordinary character, and would therefore most frankly and readily give an answer to the question of the right hon. Baronet; and accordingly he proceeded to state the course which he intended to pursue, and gave that information which I now seek to obtain at the hands of the noble Earl at the head of the Government. [*See* 3 *Hansard*, lviii. 1260.] My Lords, in the observations which I have made, I trust that I have not used a single observation which is calculated to meet with the disapproval of my noble Friends opposite, and I hope I have avoided saying anything which can be construed into anything personally hostile to the noble Earl. I have wished to avoid reference to irritating topics as far as I possibly could, but I can assure the noble Earl that I feel most warmly upon these two questions. I believe that the question of protection is one which should be submitted to the country and settled without delay; and I feel still more that the intention of persevering with a Parliament in which the Government is not in a majority, is one of far too dangerous a precedent in times like these, to admit of any one who sincerely loves his country and respects the Constitution, allowing such a course to be taken without at any rate protesting against it. I will now sit down moving the ordinary Motion, that the petition do lie upon the table; and I most sincerely hope that the noble Earl will be able to answer my question in a manner which may save a great deal of ill-will, and a good many ill words, both in Parliament and in the country. The question which I wish to ask the noble Earl is, whether he is prepared to assure this House that Her Majesty will be advised to dissolve the present Parliament with as little delay as possible, consistently with a due regard to the public interest, and to the passing of such measures as are of urgent and of primary importance, and to call a new one as early as the public service of the country will allow?

The EARL of DERBY: My Lords, I am far from complaining either of the Motion of the noble Duke, or of the questions with which he has closed his observations, or of the tone and spirit which have characterised the whole of his address. I think, from the position in which the noble Duke announces himself to stand, it was as natural that he should put that question in this House, as it was that the noble Lord lately at the head of the Administration should, as I understand he has done this evening, put a precisely similar question to the Government in another place. I hope, however, that the noble Duke will not think I am treating him or the petitioners with any disrespect if I decline to renew again a discussion upon a question upon which, by your Lordships' favour, I had the opportunity of addressing you at considerable length a short time ago, and if I decline at present to enter into any general discussion upon the merits of free trade, or the policy which Her Majesty's Government may feel it necessary to adopt. One observation, however, I must make with regard to a remark which fell from the noble Duke, in which he said that he was quite sure that my noble Friend near me, the Secretary of State for Foreign Affairs, and he supposed I myself, must be aware, that from various countries in Europe representations had been addressed to Her Majesty's Government with reference to the uncertainty and inconvenience which were at present experienced there in reference to the markets in this country.

The DUKE of NEWCASTLE: I did not say that representations had been addressed to the Goverment, but that communications had reached this country respecting that inconvenience and uncertainty.

The EARL of DERBY: The noble Duke said he was sure that, from his position, my noble Friend the Secretary of State for Foreign Affairs must have had information of those alarms and apprehensions which he says are entertained in various countries of Europe. Now, I certainly thought that I had myself been tolerably conversant with the various despatches and communications which my noble Friend has received since he has been in office; and since the noble Duke has sat down I have had confirmed by my noble Friend in that which I believed to be the case on his part, that so far as Her Majesty's present Government is concerned, no such representations as those which are supposed by the noble Duke, have reached Her Majesty's Government from any country or quarter. [Earl of MALMESBURY: Hear, hear!] The noble Duke, perhaps not very regularly — but I do not complain of him on that account—has referred to the language I held on a former occasion in reference to another petition which was presented to your Lordships by the noble Baron opposite (Lord Beaumont), and I am only anxious to set him right as to the manner in which I am supposed by him to have spoken with regard to the petitioners on that occasion. I did not, in the slightest degree, impute to those petitioners, as the noble Duke seems to suppose I did, any ignorance with regard either to their own interests, or to the subject upon which they were addressing your Lordships' House. All I said in reference to that petition was, that the parties who signed the petition were not many in numbers, and that the interests they represented were not great. I certainly did allude to one particular individual—who I have no reason to believe has taken the least offence at what I said —I did refer to him, and say that the peculiar interests he had in the question of land were not such as to create necessarily any overwhelming anxiety and uncertainty in his mind. I quite admit also, with the noble Duke, that the body from whom he has presented his petition to-night is one eminently qualified to give an opinion upon this question, and eminently entitled to have its opinion listened to both by this and the other House of Parliament. But I must take the liberty of reminding the noble Duke, that that petition certainly bears date some days previous to the last discussion which took place in this House upon the subject to which it refers. I understand from the noble Duke that it had been entrusted to his charge the day following that discussion; and therefore, whatever apprehension, anxiety, or uncertainty these petitioners might have felt, may, to a considerable degree, have been dispelled or mitigated by the explanation of the course Her Majesty's Government intend to pursue, which I had the opportunity of giving to your Lordships on a former evening. I must say, however, that I am obliged to the noble Duke for one admission—namely, that this is not an uncertainty which has been created within the last few days or weeks, but, according to the noble Duke, it is an uncertainty which has affected the course of trade—not in consequence of the accession of the present Ministers to office—has affected the course of trade, not for the last few months, but for the last five or six years. And this uncertainty, according to the noble Duke, must prevail and continue to prevail until a new Parliament shall be assembled. Yet during the whole of these five or six years of anxiety and uncertainty, it never occurred to the noble Duke, or to those whom he represents, to call upon Her Majesty's late Government to put an end to that anxiety and apprehension by referring the question to the decision of a new Parliament, which is the course he calls upon us to adopt as the only one that can relieve that anxiety. I said the other day, and I repeat it now, that I am happy to think that, in consequence of the recent change of Government, that anxiety and apprehension will be put a stop to at an earlier period than if the late Administration had remained in office. At the same time, and although I admit there is doubtless a very natural desire to have all doubt and anxiety upon this subject removed, I cannot, I say again, see in the circumstances of the country—I cannot see in the state of the public securities—I cannot, in any indication which I can perceive of the national mind and feeling, trace that intense anxiety, alarm, and apprehension which, according to the noble Duke, pervades every portion of the country. I am not sure that I should have entered into any other observations upon this question of the noble Duke, further than those which I had the honour of submitting to your Lordships' House the other night, as to the course which Her Majesty's Government felt it consistent with their duty to pursue in the anomalous circumstances, as the noble Duke allows them to be, in which we are at this moment placed, if it had not been for some constitutional doctrines which have been laid down by the noble Duke, and to which I hesitate at all events to give my full and unqualified approbation and assent. I stated the other night, and I now repeat, that there are questions—and questions of importance too—with regard to which Her Majesty's present Government are prepared to say that their opinions are not shared by a majority of the other House of Parliament, and I am not sure that they are shared by an assured majority of your Lordships' House. I stated with regard to those questions that if they were pressed forward for a decision, I admitted that Her Majesty's Government were in a minority, and that we should have to rely with regard to these questions upon the forbearance of our opponents and the indulgence of our friends. But I did not state, and I will not state, that upon such questions as Her Majesty's Government think fit and proper to submit to the consideration of Parliament, there is any proof or any evidence whatever, that either in this or in the other House of Parliament the Government are in a minority. I did not deny the inconvenience incident to carrying on the business of the country for any lengthened period with a Government who were unable to rely with confidence upon the support of a majority in the other House of Parliment; but I stated to your Lordships the other day, and I am sorry to be obliged to weary you by repeating it now, that I consider we are placed in circumstances in which we have a balance of inconveniences and a balance of conflicting difficulties; and between those inconveniences and difficulties, I think the danger and the inconvenience to the country (and it is that to which I look) is less from a temporary continuance of the present state of things, than it would be from a premature interruption to the business of the Legislature. It must be in the exercise of the discretion of Her Majesty's Government what propositions they may think fit to bring forward, and what measures they may think proper to submit to the judgment and consideration of Parliament. I am not, as the noble Duke seems to suppose, acting upon the precedent of Mr. Pitt, in the year 1784, which I freely admit has, at least, no very close analogy to the present position of affairs. I draw the constitutional doctrine from a much more recent example, and one which I am sure the noble Duke himself will be the first to listen to with deference and respect. In the year 1835, the late Sir Robert Peel found himself at the head of a Government which did not command the confidence of the House of Commons. He found himself in that position in a case far more strong than that which you can now apply to the present Government—because he found himself in that position, having recently appealed to the people—having dissolved Parliament, and having in that situation failed to obtain a permanent majority in the House of Commons, Sir Robert Peel was placed in a minority upon the Address in answer to the Speech from the Throne. He was placed in a minority upon the choice of Speaker. He was placed in a minority upon a most important Resolution in regard to the appropriation of the revenues of the Irish Church. And now, my Lords, just in passing (and my noble Friend referred to this question the other night), let me remind your Lordships of the consequence of an Opposition strong in that which they felt to be a Parliamentary majority; let me refer to the course which they thought fit to take on that occasion, and the consequences to themselves in taking that course. Strong, I say, as the Parliamentary majority was, the Opposition of that day thought it a good political move to pledge the House of Commons by a specific declaration upon an abstract question, that no settlement of a particular question could be safe and satisfactory unless it involved a specific proposition from Her Majesty's Government. Upon that question they defeated Sir Robert Peel's Government, and shortly after they succeeded to office —not upon that question, however; and having so succeeded to office, they found themselves compelled to abandon that very proposition which they had declared to be essential, and to come to a settlement which, from that time to this, has not been disturbed, upon that very question, not including that *sine quâ non* of a safe and satisfactory settlement. What was the course pursued by Sir Robert Peel under these circumstances, in a Parliament of his own choosing—in a minority, a perpetual and constantly-recurring minority? He held this language, and this was his constitutional doctrine:—

> "I have been called upon to assume the responsibility of conducting the public business of the country. I will not shrink from that responsibility so long as I believe that I can conduct it satisfactorily, and can carry through such measures as I believe to be for the public advantage that I should submit to the consideration of Parliament."

It was not then a question of dissolving Parliament, it was a question of the other alternative, namely, the resignation of the Government. [*Cheers.*] The noble Lord who cheers that will not deny that when a Minister fails to obtain the confidence of the House of Commons, he has these two alternatives—the resignation of his office, or the dissolution of Parliament. I presume that, under existing circumstances, the resignation of office is not that which would be pressed upon us by noble Lords opposite, as upon the former occasion to which I have referred, the dissolution was not that which would have been required of Sir Robert Peel. The two opposite alternatives are those which were then present in Sir Robert Peel's mind, and are now in the choice of Her Majesty's Government; and the mode in which he dealt with them is this:—

> "I hold there is nothing unconstitutional in the post I fill, and in the fulfilment of my duty, to persevere in the discharge of those duties to which my Sovereign has called me, in defiance of the majority that is against me upon any abstract question, and in defiance of any declaration on the part of the House of Commons that I ought to

> bring forward a particular question, and settle it in a particular manner. I will perform my duty until the House shall by its vote refuse its sanction to some measure of importance which I think necessary to submit to its consideration."

That, then, is the constitutional doctrine which was laid down by Sir Robert Peel in the year 1834. Upon that principle he acted, and upon that principle Her Majesty's present Government are prepared to act also. But I do not deny the inconvenience of a doubt remaining upon the public mind with regard to any material question of policy to be taken on the part of the country; and I admit to the noble Duke as fully as he can desire, that an early settlement of a still larger question, namely, who are to be the men and what are to be the principles by whom and upon which the Government of this country is to be conducted, are matters not of indifference, but matters for the earliest solution, of which I am fully as anxious as the noble Duke himself can be. I do not, however, hold it to be consistent with my duty to give to your Lordships or to Parliament any specific pledge with regard to the precise time at which I shall feel it to be my duty to offer to Her Majesty my humble advice that She should dissolve the present Parliament. Circumstances might occur which might render that dissolution dangerous to the safety and the welfare of the country—but I am ready to go so far as this to meet the noble Duke: without specifying distinctly what are the precise measures which I think it imperative to have passed before recourse is had to a dissolution—I say, my Lords, that I am anxious, as anxious as possible, that at the earliest period consistent with that which I deem to be for the public welfare and for the good of the country, the country should take an opportunity of expressing its opinion on the principles upon which and the men by whom the government of this country shall henceforth be conducted. And I will go a step further, and I will say that I think the next autumn ought not to be allowed to pass over, not only without the country having had an opportunity of coming to that decision, but without Parliament having had an opportunity of pronouncing, definitively and finally, its opinion and judgment upon the course of policy which may then be adopted on the part of Her Majesty's Government. I will give no pledge, however, that either in the month of April, of May, or of June, that appeal shall be made to the country. I say that before the ordinary time of commencing the next Session of Parliament these questions shall have been so far decided and adjudicated upon by Parliament, that the business—the ordinary and current business—of the next Session should not be interfered with by discussion upon the general commercial and financial policy of the country. Further than that, my Lords, I am not prepared to give any assurance. It would be inconsistent with my duty, as a Minister of the Crown, to say that, under all circumstances, I will advise the Crown to dissolve Parliament at any particular time: but again I repeat, that I desire only to conduct such business of the country through the present Session of Parliament as it may be necessary for the good of the country to have passed. I do not think it necessary minutely and distinctly to specify the measures which I shall include in that category, except to say that amongst them, differing altogether from the noble Duke, I do include, as one of paramount necessity, the organisation of the internal defences of the country. But I say that, after having discharged the duties of the present Session, I am as anxious as the noble Duke can be that an early decision of the feelings and judgment of the country should be taken, and that Parliament should upon that judgment, and before the close of the ensuing autumn, pronounce its definitive and final decision.

Lord BATEMAN: My Lords, I am glad to be able to avail myself of the opportunity, which is afforded me by the noble Duke (the Duke of Newcastle) in presenting the petition just laid before you, of making a few observations to your Lordships upon the important question referred to in that petition. My Lords, you have heard, in common with myself, the calm and able speech with which this subject has been introduced to-night; but, calm and able as that statement is, I cannot, except in one part of that statement, concur in the sentiments expressed by the noble Duke. I find myself sitting on the same benches as those usually occupied by the noble Duke; both of us have spoken to-night from that part of the House which is usually denominated the neutral part; and yet I find the noble Duke refuses to give his support to Her Majesty's Government, because, in his opinion, they have not gone far enough in one direction; and I have hitherto withheld my support from the noble Earl (the Earl of Derby) because I considered they had not gone far enough in a totally opposite direction. My Lords, I agree in that part of the petition before you, and I agree with what has fallen from the noble Duke, insomuch as relates to an early settlement of this important question. But I cannot conceal from myself that to come to that early settlement, under existing circumstances, seems to me very improbable, if not wholly an impossibility. I am free to confess, my Lords, that I was one of those who quite expected and fully anticipated that the noble Earl (the Earl of Derby), on his accession to office, would at once have come forward and stated to the whole nation what his intentions were, and what was the policy that he meant to pursue with reference to the great commercial question of free trade or protection. I confess that I was one of those who felt somewhat disappointed at the shelving of this question; I did think that it would have been a far more graceful and a far more straightforward course had the noble Earl stated at once, to the country, what course he intended to pursue, and whether or not he meant to abandon that policy which he has so ably and so often advocated with success in this House during the last five or six years. My Lords, I admit all this; but I am not ashamed at the same time to confess that I was in error in having entertained this sentiment. I confess, my Lords, that after the eloquent statement which the noble Earl addressed to this House on Monday last: I say, that, looking to the circumstances of his accession to office—to the very great gravity of the questions upon which he was, and still is, called upon to decide —to the combined opposition that has been formed against him both indoors and out of doors—and to the dangers that might threaten this country, should he without hesitation give a decision adverse to the views of that faction—I maintain, looking at all this, that the noble Earl has pursued the wisest and the most prudent course, and that he is not called upon under present circumstances to say more than he has done on this most important question. I regret to see the nature of the opposition that has been combined against Her Majesty's Government. I listened, in conjunction with your Lordships, to the manly, eloquent, and patriotic statement made to you by the noble Earl on Monday last, and, for myself, my Lords, I am satisfied with that statement; and I ask you, my Lords, is it fair—is it just —is it doing as you would be done by, to withhold your support from, and to threaten with an opposition that has all the appearance of a combined faction, a Government confessedly in a minority from the circumstances under which they acceded to office? I say, my Lords, that it is not fair to harass the noble Earl in this way; and I, for one, will not be a party to any opposition of this sort; nor will I, in this House, nor out of this House, withhold from his Government that support to which I consider them fairly and justly entitled. It is not a mere question of whether we are, or are not, to have a fixed duty of four or five shillings; I ground my support to the noble Earl on a far wider basis than a question of a *5s.* duty. I support the noble Earl because I look upon him as the champion of the agricultural interest, and as one who is anxious to relieve the pressure under which they have been so long suffering; I look back to the manner in which he has, in common with his party, so long advocated their cause; and his past conduct is a sufficient guarantee to me that he will bring forward measures for their relief. But I go further than that, my Lords. I look with dismay on the aspect of Continental affairs; and the progress that is being slowly made, step by step, towards that most fatal of all evils, democracy, in this country. My Lords, these are serious questions; and with these facts before me, I tell you that I give my support to Her Majesty's Government because I think you will have to choose between two alternatives—whether, will you support an Administration that is anxious to defend our constitutional liberties, to preserve us from hostilities abroad and from invasion at home; to defend and maintain the supremacy of our Sovereign, the rights of her people, and the dignity of her Parliament to uphold the Church, and to maintain our religion in spite of Popery? or will you, by withholding your support, give it to a party who by their recent acts have abandoned that high position, and who, by inviting into their counsels men whose opinions are well known to tend to overstep the bounds of prudence, have laid themselves open to be accused of having lent their countenance to schemes and to parties whose whole object is the subversion of those institutions which the present Administration are endeavouring to maintain uninjured? My Lords, it is for these reasons I say it is not fair to embarrass the Government; and I tender them, for these reasons, my humble and unqualified support. I must now beg that indulgence of your Lordships which you accorded on a late occasion to a noble Lord on the opposition side of the House, while I say a few words about myself, and the position from whence I address your Lordships. It has been my privilege during the few years that I have sat in this House, as it has been the boast of all my family who have occupied seats in this House before me, and in another place, to have occupied a seat and to have called myself one of the old Whig party. My Lords, I regret that differences of opinion on a most important question (I allude to the question of free trade) has obliged me, during the last three years, to change that seat for one in what are termed the neutral benches in this House. Four or five years ago you granted me the indulgence you usually accord to Members who address your Lordships for the first time, while I seconded an Address which was moved for by a noble Earl (whom I do not see in his place) in answer to a Speech from the Throne. My Lords, it is upon this point that I particularly wish to make a few observations; because in public out of this House, and privately in this House, I have been accused of not having kept faith with the Government then in office, by not having given my vote on the question of the repeal of the Navigation Laws after having seconded that Address. Now, my Lords, I beg, here in my place in this House, distinctly to say that I seconded that Address under a protest from myself—and I think the noble Marquess opposite (the Marquess of Lansdowne) will not contradict me—and under an implied promise from the Government that my doing so should not compromise my votes on the question of free trade. Before I sat in this House I foresaw the evils that must ensue to the class of agriculturists (of which I avow myself one) from the adoption of that change in our policy. I saw equal dangers threatening the shipping interest by the adoption of the repeal of the Navigation Laws, and I have never ceased to hold those same opinions ever since I have sat in this House. Those opinions to this hour remain the same. I have not and do not intend to change them; it is because I still hold those opinions, and that I see those of the noble Earl coincide more nearly with mine on that and other great questions, that I hesitate not at once to avow myself a warm supporter of his, and to leave the place from which I address you, for one on the same side of the House as that occupied by himself.

The EARL of WICKLOW said, he admitted that the explanation of the noble Earl would be acceptable not only to their Lordships, but to the country at large; and he trusted the noble Earl would not be deterred by the demands or taunts of those to whom he was opposed from carrying forward in the present Session of Parliament those measures upon which he knew he had the support of the other House of Parliament, and to which the members of the Government he had succeeded must necessarily give their support. He alluded, of course, to some of those measures which his noble and learned Friend opposite (Lord Lyndhurst) enumerated so forcibly the other night. They were but few in number, and he thought they could be passed through Parliament in sufficient time to carry into effect the reasonable wishes of those who in Parliament and the country were desirous of an immediate dissolution. The noble Earl might recollect that in the year 1846, when the subject which was now agitating the country was brought forward, there was no more strenuous or more anxious supporter of a moderate fixed duty on corn than he (the Earl of Wicklow); so much so, indeed, that he took the liberty of moving an Amendment in their Lordships' House to the extent of that duty (5*s.*) which was now generally supposed to be the intention of the Protectionist Government to introduce. He had seen no reason since to alter the opinion he then entertained, or why a duty for revenue should not be laid upon corn as well as upon other articles of consumption. The phrase, "taxing the food of the people," when applied to a revenue duty upon corn, appeared to him an absurdity. The "food of the people" was taxed in other respects at this moment, and even upon corn itself there was a tax so far as the principle was concerned. But whilst still adhering to these opinions in their fullest extent, he thought that the day had gone by for carrying them into operation, and that any attempt now to impose a duty which at the time the subject was in agitation might have been highly expedient and desirable, was now no longer one or the other. On the contrary, he believed it to be exceedingly inexpedient, and that the noble Earl, when he came to review the whole subject, would see that there were other measures which would prove equally effective for the relief of the pressure on agriculture. He thought that, consistently with the wishes of the country, the noble Earl might devote his attention to the readjustment of taxation, and act in a manner which would give satisfaction to his followers and the country. He hoped that he would succeed in that undertaking. At the same time, he trusted that he would never make a proposition for the re-establishment of a duty upon corn, which he (the Earl of Wicklow) would at all times oppose, because he thought that such a measure would give rise to the most serious inconvenience.

LORD REDESDALE thought their Lordships would be satisfied with the explanation given by the noble Earl at the head of the Government, that before the close of the present year a decision should be taken on the questions which would be submitted to the country on a dissolution of Parliament, so as to allow the business of Parliament next year to proceed in the ordinary way. He (Lord Redesdale) wished to call the attention of their Lordships to the serious inconvenience to which various parties would be subjected who had private business before Parliament, if, by a premature termination of this Session, the great majority of those measures, and all the most important of them, should be suspended without receiving a Parliamentary decision. More than 255 Bills had been introduced into Parliament during the present Session. In the course of a very limited Session those which were unopposed, or a portion of them, might have a chance of getting through Parliament: but, with respect to those which were opposed, there was very little chance of their having more than the favour granted of being "hung up," so that they should be put at a stage of advancement when resumed in another Session. He wished to call the attention of their Lordships, in reference to the petition which had been presented from the Manchester Commercial Association, to the serious injury which would be done to important private interests were an early termination put to the present Session, according to the prayer of the petitioners. There were millions and millions subscribed to the undertakings to which that private business related; and, though in the present Parliament the number of measures which had reference to new undertakings might be few in comparison with the number brought forward on previous occasions, still there were many schemes which had been brought before Parliament involving considerable interests and large outlay. And what was the state of matters with respect to the parties concerned in those measures? The promoters of each of those measures were bound to make deposits, and enter into future engagements under their subscription contracts, before they were allowed to bring in their Bill into Parliament, and would be obliged, in the event of an abrupt termination of the present Session, to keep their capital in suspense for another year, without having the option of investing it in any other transaction. He mentioned these circumstances, not that considerations of the kind ought to interfere with great public interests or great constitutional principles, but because they suggested grounds for protesting against an attempt to urge forward for no definite purpose any such early dissolution of the present Parliament as had been suggested. Having said so much on that subject, he would briefly allude to another point on which incidentally he had expressed an opinion, having interrupted the noble Duke who had opened the discussion, though certainly he had not intended that the noble Duke should hear his remark, for it was not his wish to interrupt any noble Lord who was addressing the House. He (Lord Redesdale) did unquestionably express the opinion that for practical purposes the present Government was not in a minority in the other House of Parliament. If the test applied were an inquiry directed to each Member of that branch of the Legislature as to which individual he would prefer to see at the head of the Administration, the noble Earl at the head of the Government would obtain a larger number than any other individual in favour of his occupying that position. A certain number would say the noble Lord lately at the head of the Government (Lord John Russell) ought to occupy that position; a certain number would be in favour of the noble Lord who not long ago held office as Secretary for Foreign Affairs (Viscount Palmerston); a certain number, again, would be in favour of a Radical Administration; and a certain number would be in favour of having the Prime Minister selected from the followers of the late Sir Robert Peel; but he believed, if they were to poll the Members of the other House of Parliament, there would be no individual whom so large a majority of them would wish to see at the head of the Government as his noble Friend the present Prime Minister. At all events, that was something to begin with. The noble Earl had a larger "following" in Parliament than any other public man. Parties could not always have what they wished. Without going back to the precedent of 1835, he (Lord Redesdale) would direct the attention of their Lordships to what occurred last year, when the noble Lord then at the head of the Government resigned because he believed he did not possess the confidence of the other House of Parliament. The necessities of the case required that the noble Lord should return to office. He did not appeal to the country, because he knew that if he had done so he would have weakened instead of strengthening his party, but continued to conduct the Government of the country in a House of Commons which he had admitted did not place confidence in him. A noble Marquess connected with the late Administration, candidly confessed that it was an injurious position in which the country was placed when it did not possess a stronger Government than that with which he was then connected. In considering the present position of affairs, their Lordships ought to look to what the country now desired, and what it was from which it was suffering. It was suffering from a weak Government. It had long suffered from a weak Government, and that condition of affairs was brought about by what might, in some sort, be called the unnatural position of parties. There was not such strength possessed by any one party as would enable it to give a strong Government to the country. He trusted that the result of a dissolution would show that they had passed through that transition state, and that the result would be that one party would be in sufficient strength to afford Her Majesty a strong Administration. That being admittedly a result to be desired, what it was necessary the country should have was a fair trial of the present Government before a dissolution took place. The country ought to have a fair trial of all parties which existed in the country before a dissolution took place. [*Laughter.*] What he said was, that the country ought to have some experience of the Government of the noble Earl, before an appeal was made to the country on a dissolution. It had been said of the noble Earl that he had put untried men in office. It was a matter of necessity that the noble Earl should do so. But this was not a question as to appointing untried men; but the question was, whether there was or was not incapacity for office; and he (Lord Redesdale) must say, that the parties who opposed the noble Earl were the last men who ought to complain of the confidence which the noble Earl had placed in his friends. The noble Earl was willing to try them; he had confidence that when placed before the country they would be found capable of efficiently discharging the duties with which they had been entrusted. It was necessary, moreover, he thought, that the Opposition should also be tried in their present position. Their Lordships knew that a party in opposition was a very different thing from a party in office. There were circumstances of such a nature which had attended the conduct of those who had been connected with the late Government since they had passed into opposition, that he thought the country would be benefited by having a little trial of the Opposition in that capacity, so that the country might know what was the position they intended to take up, before a dissolution and an appeal to the country. He could not help reflecting on what had occurred before; he could not help reverting to various things which in his Parliamentary experience had taken place. There could be no doubt that the effect of the Reform Bill was very considerably to increase the Radical party both in the country and in Parliament; and, if their Lordships would refer to the time when a Parliament was first returned after the passing of the Reform Bill in 1832, they would observe that in 1833 the Ministers of the day had a most triumphant majority, and carried everything their own way. They had, however, hardly got through that Session, when the pressure of the Radical party became strong; and it was only in 1834 that the state of circumstances arose which led to the separation of his noble Friend behind him (the Earl of Derby) from the then Government. If their Lordships recollected the circumstances which led to that separation, they would find that those circumstances arose under a condition of things which had gone on from that day to the present. It was not the Anti-Corn-Law League which then existed, but Mr. O'Connell, and what was called his Irish "tail;" and the question on which the separation took place was the question of the Irish Church. The separation of the noble Earl at the head of the Government from his Colleagues, gave a great shake to the Government of the time. The noble Earl, then Prime Minister (the late Earl Grey), warned his party against yielding to the continual pressure from without, which would lead to the destruction of the Government; and before the close of the year the secession of Earl Grey himself from office ensued, and the Government of Lord Melbourne succeeded. Within a few months Sir Robert Peel was called upon to form an Administration, against which the Whigs and Radicals made a combined attack by a Motion respecting the Irish Church, agreed upon at the Lichfield House convention. Lord Melbourne was restored to power, and the Resolution which had been adopted with reference to the Irish Church had remained a dead letter from that day to this. The noble Earl (the Earl of Derby) had recently adverted to the meeting which was held in Chesham Place the other day; in fact something like a Lichfield-house convention had been entered into; and it was right that the country should see what might be the effect of the Chesham Place compact before deciding among the various parties who would seek to be returned in the event of a dissolution. If a party was to be formed by those who were lately at the head of the Administration, was it to be formed in accordance with the opinions of the men who took a share in the proceedings of the meeting to which he referred? If, in short, the noble Lord at the head of the late Government and his Colleagues combined with the Radical party, with the view of bringing in a Radical Reform Bill instead of the wretched Reform Bill which he introduced the other day, it was desirable that the country should know that such was the fact before a dissolution. Some little experience would be useful to the country in regard to that point as well as other matters. He repeated that the country ought to have experience of the present Government and of the present Opposition; he thought the country should also have some experience of the noble Lords who occupied the cross-benches. The position which those to whom he referred held between two parties, rendered them the weakest of all parties to go to the constituencies; they were distrusted to a certain extent by both parties, and distrusted, he believed, justly. He would rejoice if the duration of the present Session were prolonged to such an extent as to give a fair opportunity of eliciting in some degree the opinion of those to whom he alluded, and if the result showed that every man was prepared to take up his position, either as a Conservative or in Opposition, he thought it would be beneficial to the interests of the country. Nothing could be more disadvantageous than that, in regard to those persons who might be returned to Parliament at the next general election, there should be any considerable doubt with respect to what they were. He believed there could be no doubt as to those who supported the Government of his noble Friend. No one could doubt the principles on which the Government would be conducted. He had said that he believed it desirable and necessary for the conduct of the government of this country that the two parties by which the Ministerial and the Opposition benches respectively had been always filled during the times when the Government was carried on constitutionally, should again exist. Did any one doubt the party to which his noble Friend belonged? That party which might be formed to support him would be formed to support a Conservative policy. Had any one a doubt about that? [A NOBLE LORD: A Protectionist policy?] The noble Lord said, a Protectionist policy. He (Lord Redesdale) would not enter at length upon that subject. The noble Earl unquestionably entertained the opinion that the most desirable way of settling the whole differences which existed between parties in regard to the manner in which certain interests had been affected by recent changes, would be by a moderate return to a protective policy; but the noble Earl did not hold that this question was in itself of such vital importance that it should be destructive of all other interests, and destructive, in particular, to the formation of a Conservative Government. The noble Earl had declared himself a real Protectionist, in so far as he had formed his Government entirely of persons who were prepared to support that policy, if the country were prepared to demand it. To the decision of the country he had left that question; if the country supported him he was prepared to bring forward a proposition to enable him to do what he believed to be for the benefit of the country. If the country took a different view, he was prepared to consider whether there were not other means by which, with the general concurrence of those who cherished a disposition to give a general support to the Government, the question might be settled in such a manner as to satisfy the country. He (Lord Redesdale) believed such a settlement possible. He believed that there had been, on the one side, too much adherence to what was called free trade—to everything done since 1846; and that, on the other hand, there had been of necessity, from the principle of opposition, a strong and too rigid adherence to what was called the cause of protection. But the question must be settled; and he thought every one must feel that the manner in which the noble Earl had placed himself before the country on that point, was as clear and open as possible. But could any person say that the question of a duty of a few shillings more or less upon corn, was one that vitally affected the future interests of this country—that fifty years hence it would make the slightest difference? There was the evil, that politicians in the present day did not look to the consequences of their policy hereafter, but everything was treated merely as to its effect on party relations from day to day. Fifty years hence it would not signify in the least whether there were *5s.* duty more or less upon corn this year or another year. But the fact of a Radical Government being in power this year or next year, would be most deeply felt, and in the course of a few years would make a most serious impression.

The Earl of ABERDEEN: My Lords, I was, I confess, prepared to be satisfied with the declaration made by my noble Frind at the head of the Government, in answer to the question which has been put to him by the noble Duke. But after the speech of the noble Baron (Lord Redesdale) I am almost in doubt what interpretation I am to put upon the declaration made by my noble Friend. As for waiting to see how an Opposition behaves, or how a third party behaves—of whom I am one—having sat in this House for forty years, I am afraid that it is not likely that the noble Baron will receive much new light upon the subject. I believe I have always acted consistently in this House. I have already mentioned the great subject upon which I differ from my noble Friend at the head of the Government, and to that difference I intend to adhere. But when the noble Baron treats that question as a matter of little importance, I can only say it is not so much the intrinsic importance of the question itself that is to be regarded, as its relation to the welfare and prosperity, and even the peace, of the country. Now, I think my noble Friend at the head of the Government gave such an answer as was consistent with his duty; but he must permit me to give my interpretation of it in contrast with that which we have received from the noble Baron. I understood my noble Friend to say, that, consistently with such measures as were of urgent and primary importance being passed—a matter which must always be one of degree—[The Earl of DERBY: Hear!]—he may attach greater importance to some than I may, but it is for him, of course, to decide—such measures as he thinks necessary to bring forward—that he would then advise Her Majesty to dissolve Parliament. But the important part of the declaration is this, that, be it sooner or be it later, a new Parliament will be called to decide that great question to which I have referred, in the course of the autumn. [The Earl of DERBY: Hear!] With that I am quite satisfied; and I should feel that pressing for any precise pledge as to time would be highly improper, and, in fact, unconstitutional. Indeed, for this House to interfere with the dissolution of Parliament altogether, is perhaps stepping out of its province. I am aware there are precedents in this House for such a course; for instance, Lord Chatham moved an Address to the Crown to dissolve Parliament; but whateves Lord Chatham's merits as a Minister might be, certainly his conduct in Opposition is not for your Lordships to follow; and I trust, if any such Motion should be proposed in this House, it would meet with no concurrence from your Lordships. But I must just advert to a topic alluded to by my noble Friend, when he said that the precedent to which the noble Duke, I think, had referred, of Mr. Pitt's first Government, was not strictly in point. That is true, except that there is one respect in which the position of my noble Friend is singularly similar to that of Mr. Pitt in his first Government, namely, that of himself sustaining the whole weight of the Government on his own shoulders, I believe I may say that, without offence to his Colleagues, for probably they may be the first to acknowledge his superiority, his splendid talents, and his high personal character. In that, therefore, he strictly resembles Mr. Pitt. But when he alluded to the other precedent, of

Sir Robert Peel, I must say he has quite mistaken the facts as they took place; for Sir Robert Peel began by dissolving the Parliament: he then met the new Parliament, and with small majorities against him struggled on for a certain time in the hope and prospect of converting his minority into a majority. And how long did he do that? He remained in office for two months only. Parliament met, I think, early in February, and I think—I had the honour of forming a part of that Government—we resigned on the 7th of April. Now, Sir Robert Peel had no remedy; but my noble Friend, if he were in the same position of being pressed by majorities against him, has the remedy which Sir Robert Peel did not possess, because he had already tried it. Therefore my noble Friend at any time may have recourse to an appeal to the country, to convert the majority against him into one of his favour, if he thinks proper to resort to it. It seems that is a course which my noble Friend is not prepared to take, though I recollect, sitting on this side of the House, the noble Earl always professed to be excedingly anxious for a dissolution, to bring the question to an issue. Now, I do not wish to press this so much; I take for granted still that my noble Friend is not reluctant to take that course—[The Earl of DERBY: Hear!]—and therefore I wish with the most perfect fairness to admit that in this situation I think he is bound to carry the measures described as essential and indispensable to the welfare of the country, and after that to take the sense of the country, and to fulfil the promise he has made to the House. I therefore regard the answer of my noble Friend as quite satisfactory, and all that could be desired; it was only the strange gloss put upon it by the noble Baron which left me no other course but to state my understanding of the matter.

EARL GREY said, he entirely concurred with the noble Earl who had just sat down; he was satisfied with the declaration made by the noble Earl at the head of the Government, and he was entirely dissatisfied with the gloss put upon it by the noble Baron (Lord Redesdale). He understood the noble Earl to say, that he felt the extreme inconvenience of having the future commercial policy of the country for any long period in a state of uncertainty, and that it was desirable to have the question settled at the earliest possible period. He said that the opinion of the country must be taken by a dissolution, and by summoning a new Parliament as soon as possible, consistently with certain arrangements necessary for the due administration of public affairs. He (Earl Grey) thought that was all we had a right to expect. If the noble Earl admitted that that question was one which ought to be brought to a speedy determination, he was satisfied; but he thought the simple fact of announcing that wish and intention must render the existing House of Commons utterly incapable of considering with the necessary calmness, confused as hon. Members would be with canvassing for their new elections, the important measures referred to by the noble Earl. So much, indeed, did he think that that would be the case, that it appeared to him to be the interest of the Administration as well as of the country that the dissolution of Parliament should be immediate. The noble Baron, however, had a theory involving not only an ordinary but an extraordinary Session, because he said that it was requisite that all parties should be what he calls tried—and he thought that this discrepancy between the views of the noble Baron and the noble Earl ought to be explained. His principal object, however, in rising to address their Lordships at that moment was this: they might remember that in the course of the debates on Monday evening, the noble Earl stated that he was merely following the precedent set by the noble Lord at the head of the Government in 1846, in withholding any specification of his policy on which he took office, and meant to appeal to the country. The noble Earl, on Monday night, said, that in 1846 Lord John Russell had declined to state the views of the men who formed the Government, on many important questions. As far as his recollections served him at that moment, he (Earl Grey) gave the best contradiction he could to that statement; but, being only from recollection, with regard to circumstances which took place five and a half years' ago, he felt it necessary to be very cautious, and, therefore, he did not consider himself justified in expressing as strongly as he now felt called upon to do, his dissent from the statement of the noble Earl. What took place was this—[See 3 *Hansard*, lxxxviii. 1167, 1175]: His noble Friend, Lord John Russell, was called upon to make a statement of the views of his Administration: his reply was, that he had been so long in the House, and that his views were so generally known on all questions then before the public, that it was unnecessary for him to make any general statement; but that with regard to the specific measure to which the question referred—the question of the Irish Church—he was perfectly ready to give an answer; and, as regarded that question, the answer of Lord John Russell was as clear and distinct as possible. Lord John Russell said, in his opinion, the existing state of things with regard to the Irish Church was not altogether satisfactory; but, he added, he had voted in favour of the Motion made by Mr. Roebuck for continuing the endowment for Maynooth out of the property of the Established Church—that this Motion had been rejected, and that though he thought the rejection wrong, he still supported the Bill as it stood, and was prepared to abide by the recorded sense of the House of Commons. Lord John Russell declared it was the opinion of himself and Colleagues, though knowing the state of the Irish Church to be unsatisfactory, that it would be of no advantage, and it was not the intention of Her Majesty's Government, to propose any alteration; but he went on to say—and this was the only part of his speech to which the noble Earl referred—"I certainly will not pledge myself, if at any future time there be a change of opinion in the Irish Catholics themselves as to receiving the endowment, and in the English people and the Scotch Presbyterians as to giving it—if there should at some future time be some general change of opinion, I do not pledge myself not to bring in such a measure." Therefore, the noble Lord stated, in terms as plain and as explicit as the English language furnished, that it was not the intention of the Government then existing to make any proposition on the subject. Now, if the noble Earl had made such a declaration with regard to protection, he (Earl Grey) would have been satisfied. If, he said, it was not the intention of the Government to propose any alteration in the commercial policy of the country—if he said he would leave it open to himself to make a proposal hereafter, if he should see a change of opinion, but at the same time stated distinctly that, as at present advised, it was not the intention of Her Majesty's Government to propose such alteration, then he (Earl Grey) should be satisfied, and should concur with the noble Baron opposite (Lord Redesdale) in thinking that the noble Earl had fairly placed the question before the country. But till he made such an answer, he did not conceive the question was fairly placed before the country. The noble Earl had said, and he concurred with him, that it was of the greatest possible importance that the constituencies should know, during the new election, what were the principles of the candidates they were about to elect. He believed the all-important question of the present day was, the freedom of commerce or not the freedom of commerce: let the constituencies know, during the elections, whether they really were electing persons in favour of freedom of commerce, or not. The noble Baron (Lord Redesdale) said this was comparatively an insignificant question. Now, he so entirely differed from him, that he believed if there was one question of overwhelming importance at this moment in the country—a question on which the welfare and peace of the country depended—it was the future policy of the Government on this important subject. When the noble Earl adverted to proceedings elsewhere, and to the conduct of different parties who were now opposed to Her Majesty's Government, he begged to inform him that if he wished things to be placed in a different state, he had only to procure from the Government a declaration that they did not mean to disturb the commercial policy of the country, because he concurred with the noble Duke on the cross benches (the Duke of Newcastle), that the doubt on this question, and the doubt only, induced them to regard Her Majesty's Government with such extraordinary distrust. Looking at the composition of the present Government, it was not one which inspired him with confidence; but, as far as their declarations of opinion and principles went, he saw nothing whatever to lead him to anticipate the necessity of any decided opposition, except on the question of protection; but on that question—the reimposing of any of the restrictions which had been removed from commerce—the declarations of Her Majesty's Advisers inspired him with nothing but extreme distrust. What he heard from the noble Baron made him even more distrustful than before, for he had told them that it was the intention of the Government to adopt a protective policy, if they were strong enough. That he understood to be the declaration of the noble Baron. Then the issue simply came to this—in the next election, if the people of England will make the Government strong enough, they will reimpose those restrictions which have been abolished. He repeated he understood that to be the declaration of the noble Baron; and he only wished the noble Earl (the Earl of Derby) had stated either the one case or the other a little more clearly, in justice to all those parties to whom it was of extreme importance there should be no doubt on the subject. He hoped the noble Earl would reply "aye" or "no"—was it, or was it not, the intention of the Government to propose an alteration in the existing policy?

Petition ordered to lie on the table.

PATENT LAW AMENDMENT (No. 2) BILL.

LORD COLCHESTER moved the Second Reading of the Patent Law Amendment Bill. The object of the Bill was to diminish the expense and difficulty experienced at present in obtaining patents, and to make more certain to patentees the rights to which their inventions entitled them. Two Bills had been introduced last Session having a similar object in view, one by the late Government, and one by the noble and learned Lord opposite. These two Bills had been referred to a Select Committee, where they underwent considerable discussion. On them was founded a third Bill, which, after much discussion in the House of Commons, was sent back to their Lordships' House at so late a period in the Session, and with so many amendments, that the whole thing fell to the ground. Her Majesty's present Government, upon their accession to office, found a Bill prepared, which they had with some alteration adopted. Formerly, when application was made for a patent, the patentee was put to the expense of 100*l.* The expense for the first three years would now be reduced to 20*l.* in fees, and 5*l.* for stamp duty. The patent might, then, be renewed for a further period, by an additional outlay of money. The Commissioners appointed under the Act were, the Lord Chancellor, the Master of the Rolls, the Attorney General for England, Her Majesty's Solicitor General, the Lord Advocate, Her Majesty's Solicitor General for Scotland, Her Majesty's Attorney and Solicitor General for Ireland for the time being, and one or more other persons whom Her Majesty might appoint during Her pleasure, the powers of the Commissioners being vested in any three. The third clause empowered the Commissioners to appoint Examiners of all specifications where applications were made for patents. The seventh clause required that every application for letters patent, made under the Act, should be referred by the Commissioners to one of the law officers of the Crown. It was also required that the provisional specification should be referred by the law officers to the Examiners, who were to be satisfied that it described generally the nature of the invention, whereupon they would give a certificate, which protected for the space of six months the invention, without prejudice to any letters patent to be granted for the same invention at a future date; the inventor might, however, at his option, deposit, in lieu of a provisional, a complete specification, and such deposit would confer upon him, for the period of six months, the same rights as letters patent would confer. Letters patent granted to a first inventor were not to be invalidated by protection thus obtained. And where it was desired that they should extend over the whole of the kingdom and the colonies, they were to be sued out under the Great Seal. The 28th Clause provided that the Commissioners should furnish true copies of all specifications, to be open to public inspection. Registers were also to be kept of all patents granted, and of proprietors of patents, open to public inspection. There were other clauses; but he would shortly say that the Bill conferred many advantages, in his opinion, upon patentees, which they did not before possess. Persons who had registered inventions under the Act of 1851, would not be called upon to furnish fresh specifications. There was one point of difference between the Bill intended to be introduced by the late Government and that now before the House. There was a clause in the former Bill dealing with the fact of a foreign ship using machinery which was patented. When a vessel of that description came into our harbours, she was subject to an action. Her Majesty's Government thought it advisable that this point should be dealt with in a separate Bill. Having thus stated the nature and objects of the Bill now before the House, and having expressed his opinion that it would be a vast improvement on the present law, he trusted that the House would agree to the Motion that the Bill be read a second time.

LORD STANLEY OF ALDERLEY, considered that the present Bill was a great improvement on the existing system. There was, however, one point he wished to suggest to the noble Lord. He had stated that there was another Bill under consideration which did not materially differ from the present. Ought they not both to be referred to the same Select Committee, and made harmonious? Such a step would save a great deal of time. It might happen, however, through the questions then pending before the House, that a dissolution of Parliament might occur before this Bill had received the sanction of the Legislature. Such an event would occasion much inconvenience, as the temporary patent law which had been passed would expire on the 22nd of April next. Would it not, then, be desirable to pass a short enactment, further extending the protection which had been already awarded?

Lord COLCHESTER said, that he had no objection to refer both Bills to a Select Committee; and as to the other suggestion, the matter had not been lost sight of by the Government.

Lord TRURO said, that he would undertake to show the noble Lord that the Bill, instead of diminishing expense and being an improvement upon the present state of the law, would, on the contrary, increase the expense of obtaining a patent, would increase the delay, and greatly increase public dissatisfaction. His objections were too technical for discussion with the noble Lord; but he would undertake to prove his positions if he would refer it to the consideration of the law officers of the Crown, with whom he (Lord Truro) would confer upon the point.

Bill read 2ª, and *referred* to a Select Committee.

Patent Law Amendment Bill *referred* to the same Select Committee.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, March 19, 1852.

Minutes.] Public Bills. — 1° Industrial and Provident Partnerships.
2° Office of Messenger to the Great Seal Abolition; Passengers' Act Amendment; General Board of Health; Improvement of Towns (Ireland); Friendly Societies (No. 2).
3° Personal Estates of Intestates.

DISSOLUTION OF PARLIAMENT.

Lord JOHN RUSSELL: Sir, I rise to put a question of great importance to the right hon. Gentleman the Chancellor of the Exchequer. The House will recollect that on Monday last, in answer to a question, the right hon. the Secretary of State for the Colonies stated to this House that he had intended to bring forward a Motion with regard to the disastrous effects which had followed the Act passed with respect to the import of sugar; but at present, being a Minister of the Crown, and of a Ministry in an acknowledged minority, he did not propose to assume that course, but that he should endeavour to obtain the object by means he thought most expedient. The right hon. Gentleman proceeded further to say that the opinion he entertained with regard to the disastrous effects of these measures was unchanged—that both with reference to the state of the Colonies, and with reference to the Slave Trade, his opinions remained the same as they were before. The right hon. Gentleman stated also that he received almost daily from the West India Colonies accounts of the distress which existed there; and he went on to say (nearly in these words), "but without being at all indifferent to that distress, we have determined that this question, like others of the same nature, ought to be kept for the consideration of a future Parliament." Now, Sir that answer with regard to the distress existing in the West India colonies, from the policy of the Sugar Duties, applies likewise to the policy pursued with regard to the question of the Corn Law, and with regard to other questions of a similar nature in relation to the free-trade policy. The House will see, therefore, it is of the utmost importance we should have some distinct assurance on this subject. I need not refer to what took place in the debate on Monday night. Everybody will have in their minds the speeches made by the right hon. Baronet the Member for Ripon (Sir J. Graham) the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) and the noble Lord the Member for Tiverton (Lord Palmerston). Bearing those speeches in mind, and bearing them in mind with reference likewise to the question asked me, when I was in the Government, by Sir Robert Peel, in 1841, when we were in a minority in this House—recorded by a Vote of this House—I now ask the right hon. Gentleman opposite whether Her Majesty's Government are prepared to advise the Crown to dissolve the present Parliament, and to summon a new one with the least possible delay consistent with a due regard to the public interest in reference to those measures which are of urgent and immediate importance? and I trust the right hon. Gentleman will give me an answer to that question.

The CHANCELLOR OF THE EXCHEQUER said: The noble Lord has addressed to Her Majesty's Government an unprecedented question. The noble Lord has referred to a precedent in the year 1841, when he sat on the Treasury bench, and was the Leader of this House; but the noble Lord will allow me to remind him of a considerable difference between those who now sit on the Treasury bench and the noble Lord in 1841, because the Government then had been condemned by a vote of this House, and both the precedents to which Sir Robert Peel referred—1787 and 1831—were in a similar category; all had a reference to a Ministry that had been condemned by a vote of the House of Commons. The noble Lord ought to have described the question not only as an important, but also as an unprecedented, one. I shall, however, reply to the noble Lord. I think it is highly unconstitutional and most impolitic that Her Majesty's Government should pledge themselves to advise Her Majesty to dissolve Parliament at a stated and specific period. The noble Lord must feel that circumstances might suddenly arise which would render the fulfilment of such a pledge not only injurious, but perhaps even impracticable. At the same time I have no hesitation in saying that it is the intention of Her Majesty's Government to advise Her Majesty to dissolve this Parliament so soon as those necessary measures have been passed—I should rather say, so soon as those measures have been passed which are necessary for the service of Her Majesty and the security and good government of Her realm. I need only say further, that it is our wish and our intention to meet the new Parliament that will be elected, so that the decision of the new Parliament may be taken upon the question of confidence in the present Administration, and upon the measures which they will feel it their duty, under those circumstances, to propose, in the course of the present year.

LORD JOHN RUSSELL: With regard to two words used by the right hon. Gentleman, do those two words "good government," include the measures referred to the other night with respect to reform in the Court of Chancery?

The CHANCELLOR OF THE EXCHEQUER: I do not feel called on to give any further explanation to the question of the noble Lord.

CAPTAIN SHEPHERD OF H.M.S. "INCONSTANT."

MR. W. WILLIAMS said, he was blamed by the hon. and gallant Member for Gloucester (Admiral Berkeley) for putting a question to him the other night, with reference to the shooting a sailor by the peremptory command of Captain Shepherd, of Her Majesty's ship *Inconstant*, because he had not addressed his inquiry to the present Secretary to the Admiralty. He (Mr. W. Williams) had since done so, and the hon. Gentleman had just informed him that he was now ready, after inquiry into the matter, to give an answer to that question.

MR. STAFFORD said, the hon. Member for Lambeth had correctly stated that since the important question was addressed to the hon. and gallant Gentleman opposite (Admiral Berkeley), his attention had been very strongly called to the circumstances of the case, and with the permission of the House he would state them as shortly as he could—at the same time fairness to all parties demanded that he should trespass some little time on the attention of the House. In October, 1849, the *Inconstant*, under the command of Captain Shepherd, was at the urgent request of certain merchants at San Francisco sent to see what could be done in arresting the desertion of several crews belonging to the vessels of those merchants. When the *Inconstant* arrived at San Francisco, upwards of 100 vessels were lying off that place, deserted by their crews. To four of those vessels Captain Shepherd sent from ten to twelve men to each, to assist in navigating them to their destinations, and to two, out of the four, he sent lieutenants to command. The crew of the *Inconstant* consisted of 360 seamen, and 55 marines. The state of the shipping interest at San Francisco at this time might be imagined from one or two facts, which he would state to the House. The French Admiral had been on shore, and on returning he found that, as soon as he had left, the boats' crews with one consent all deserted, and had not since been heard of. A midshipman in the United States navy was thrown overboard from the vessel in which he was serving, by the crew, who all deserted, and he was only picked up after he had been some hours in the water. A deserter from the *Asia* was convicted of this attempt, and executed by the authorities of the United States. The crew of the *Inconstant* were constantly tempted, by the inducements of others, to go to the diggings, and upon one occasion, when one of the crew had died, the officer in command undertook to bring all the men back if they were allowed to bury the dead man on shore one of the crew deserted under pretence of going for a stone to put at the head of the grave. Captain Shepherd found it necessary to place sentinels with loaded muskets upon deck, and pickets were kept on duty, whose muskets were also loaded with ball, and who had orders to fire at any seaman who attempted to escape. One day Captain Shepherd, looking out of the cabin window, saw a man jump overboard and swim away from the ship. He went on deck and ordered the sentinel to fire, which he did. A boat manned solely by officers—for, in consequence of the inducements held out to the crews to desert, it was not thought safe to trust the men in her—went in pursuit of the man who was swimming away. It was nearly dark, but they were directed to where he was. They found him and brought him back. Another seaman, named Nicholls, was then discovered to be missing. The man brought back received punishment on the following day. It was true that a body was then seen floating near the vessel, but there was no reason to suppose that it was the body of the missing seaman, Nicholls, because it was that of a person who had been in the water some time. There was a good deal of fever up the river, and many bodies were floating down, but there was no proof that, Nicholls was wounded by the discharge of firearms aimed at the other seaman. From the best information he could obtain, Nicholls had jumped overboard about three minutes previous to Captain Shepherd's seeing the other man in the water, and there was every reason to suppose that he had got away. He was ready to lay all the papers on the subject on the table.

OUTRAGES UPON BRITISH SUBJECTS IN TUSCANY.

The CHANCELLOR OF THE EXCHEQUER said, that an inquiry was made last night respecting the case of Mr. Mather. The noble Lord (Lord J. Russell) inquired whether the result of the judicial inquiry conducted at Florence had been transmitted to this country. He (the Chancellor of the Exchequer) found that the evidence taken before that tribunal had been sent to this country; and he was bound to say it appeared to him that the inquiry had been ably and impartially conducted. The result of the inquiry substantiated the grievance, or rather he might say the outrage, of which Mr. Mather complained; and, under these cirumstances, the Government had made a demand on the Government of Tuscany for compensation to Mr. Mather. The Government of Tuscany was an independent Government, and claimed the rights of an independent State. It maintained diplomatic relations with Her Majesty, and it was therefore bound to fulfil the duties and incur the responsibility of an independent State. To the Government of Tuscany, then, that demand for reparation was made for an outrage committed on a person whom the Government of that country was bound to defend from the misconduct of any person in that territory. With respect to any application to the Austrian Government on this subject, to which the noble Lord (Lord Palmerston) referred last night, the late Government very properly did not make any formal application to the Austrian Government. They felt, as did the present Government, that the case lay between this country and Tuscany, and that the official application for redress must be made to Tuscany. But the late Government very properly entered into an explanation with the Austrian Government on the subject, which explanation was now concluded, and from the conciliatory and satisfactory tone of the Austrian Government, Her Majesty's Government had every reason to believe that the result would be satisfactory to this country.

SUPPLY—ARMY ESTIMATES.

House in Committee.

MAJOR BERESFORD said, it had fallen to his duty to move the Army Estimates, and in so doing, he had a claim to the forbearance of the Committee, for it was his duty to bring forward Estimates, not of his own preparing, for they were those of the late Government. He had not yet had time to give to each Vote that examination and inquiry which would enable him to give satisfactory answers to some of the objections that might be made, and he was sorry to have further to state, that he was suffering under severe indisposition. The Committee were aware that the effective and non-effective Votes were divided into seventeen branches. It was his intention to go over them briefly, and to show the increase and decrease as compared with last year, in the number of men, and the charges necessary to pay them. The first vote was for the number of men. In 1851-2 the number of men, exclusive of Her Majesty's troops in the East Indies, was 98,714. The number now proposed to be voted for 1852–3 was 101,937, being an increase of 3,223. He would not at the present time go into the causes of that increase, but he would come to the second vote for the charge for the land forces for that period. In 1851–2 the charge for the land forces was 3,521,070*l.* In the present year the charge was 3,602,067*l.*, making an increase of 80,997*l.* The third vote was for staff, which this year exceeded the preceding year by 9,675*l.*, this increase being chiefly owing to the Kafir war. The sum required for the next Vote, namely, for the public departments for the present year, was 95,957*l.*, being an increase of 3,210*l.* as compared with the Vote of last year. The estimate for the Royal Military College was 17,141*l.*, being an excess of only 240*l.* over the last year's estimate. In the Vote for the Royal Military Asylum there was a decrease of 480*l.*; the estimate for the last year having been 18,016*l.*, while that of the present year was 17,536*l.* Under the head of Volunteer Corps the increase was 19,000*l.*; the sum required this year being 84,000*l.*, while last year it was only 65,000*l.* The total expenditure for the effective service was 3,986,308*l.*, which, compared with the estimate of last year, namely, 3,873,666*l.*, showed an increase of 112,642*l.* He must now request the attention of the Committee to the Estimates for the non-effective services, on which there had been a decrease as compared with the Estimates for 1851–2. The rewards for military services for 1852 amounted to 15,643*l.*; for 1851 they were 14,606*l.*—increase, 1,037*l.* Army pay of general officers, 1852, 61,000*l.*; 1851, 52,000*l.*—increase, 9,000*l.* Full pay for retired officers: 1852, 50,000*l.*; 1851, 52,500*l.*; decrease, 2,500*l.* Half-pay and military allowances: 1852, 365,000*l.*; 1851, 377,000*l.*—decrease, 12,000*l.* Foreign Half-pay: 1852, 36,916*l.*; 1851, 38,993*l.*—decrease, 2,077*l.* Widows' Pensions: 1852, 119,387*l.*; 1851, 122,717*l.*—decrease, 3,330*l.* Compassionate Allowances: 1852, 83,000*l.*; 1851, 88,500*l.*—decrease, 5,500*l.* In-pension: 1852, 28,815*l.*; 1851, 35,413*l.*—decrease, 6,598. Out-pension: 1852, 1,226,803*l.*; 1851, 1,233,050*l*—decrease, 6,247*l.* Superannuation Allowances: 1852, 37,500*l.*; 1851, 37,500*l.* The total sum required for the non-effective services this year was 2,024,064*l.*, which, compared with the sum voted last year, 2,052,642*l.*, showed a decrease of 28,215*l.* Deducting this sum from 112,642*l.*, the increase in the effective service, the total increase in the Estimates for the present year amounted to 84,427*l.* This increase, as he had before stated, was chiefly occasioned by the Kafir war, but for which the Estimates for the present year would not have exceeded those of last year, if, indeed, they had not fallen below them. It was due to his predecessor the right hon. Member for Perth (Mr. F. Maule) to state, that the Estimates appeared to have been framed with proper regard to the efficiency of the service, and the well-being of the country. It was the duty of the individual to whom the financial arrangements for the land forces were entrusted, to provide all that was necessary to maintain the Army in a state of efficiency. It had been his lot to have the honour of serving Her Majesty both at home and abroad, and he had learnt by experience to distinguish between well-considered and legitimate economy and a paltry and spurious economy, of the penny wise and pound foolish stamp, which ultimately entailed additional expense on the country. The men who protected the interests and upheld the honour of the country in every quarter of the globe, were at least entitled to justice, if not gratitude. As long as he should hold the office which he had now the honour to fill, he would endeavour to avoid all unnecessary expenditure; but at the same time he would earnestly apply himself to relieve the wants and satisfy the just claims of the soldier, being convinced that such a course would tend to promote a feeling of contentment, and increase the efficiency of the service. The total of the British Army, including the troops in the service of the East India Company, was 132,434, being an increase of 3,223 over the Estimate of last year, which was chiefly caused by an increase of the force required for the Cape of Good Hope. The right hon. Gentleman concluded by moving that the number of officers, non-commissioned officers, and rank and file for the service of the United Kingdom (exclusive of the troops in the East Indies) for the year from the 1st of April, 1852, to the 31st of March, 1853, be 101,937.

Mr. W. WILLIAMS said, that after the slight attention which had been given to the right hon. Gentleman the Secretary at War, he could expect but little attention for himself. The Government, in consequence of their very recent accession to office, had adopted the Estimates of their predecessors; and this precluded him from making the objections he had made on former occasions. During many years he had voted, with his hon. Friend (Mr. Hume), for a considerable reduction in the military force; but the altered circumstances of foreign countries and foreign Governments had placed Her Majesty's Government in a different position; and it was accorded by the public opinion that the military force of this country should be placed on a more efficient footing. He should therefore not propose a reduction on this occasion; but he thought the Committee ought to be made acquainted with the further measures which the Government proposed. Something had been said with regard to a militia force. The Committee ought to know the number of men proposed to be so embodied. It must be satisfactory to know that the late Government, with the best means of information, entertained no apprehension of any foreign aggression; for it happened that on the 1st of January last, the number of the forces embodied was 5,172 less than the number voted by that House. Unless some new light had broken out, he was at a loss to understand the reason of the proposed increase. Looking at the enormous amount of our military force, he thought any apprehension of invasion was groundless, and the idea of embodying a lot of young lads as a militia was perfectly absurd. At present the number of officers and men in the cavalry and infantry was 101,936, in the artillery 15,582, making, with 5,300 marines on shore, a total of 122,818. On the 1st of January 42,280 of these were in the colonies, leaving a force in the United Kingdom of 80,538 men. In addition there were 15,000 embodied pensioners enrolled and ready to be called out at a moment's notice. The Irish police consisted of 12,380 men, allowed to be one of the finest military bodies in Europe, as described by Colonel Brown, before Lord Devon's Commission. That officer said he would match them to beat any 12,000 soldiers in the world. Adding those to the cavalry, infantry, and artillery, we had a force of nearly 108,000 men. What foreign Government could land an army in this country to match that number of men? In addition, we had a volunteer force amounting to a very large number. There was the coast guard, 6,000; the dockyard battalions, 9,200; the yeomanry cavalry, 13,520; which added to the above made a total of 136,638. If the 14,000 police, who only wanted to be trained to the use of the musket to become an efficient body, were added, the total force in Great Britain and Ireland would be 150,638 men. Was not this a force sufficient to protect this island against all the world? We had, in addition, that branch of the public service to which we had always appealed with confidence for protection, the Navy; but unfortunately it was now considered as counting for nothing at all. He hoped soon to see it placed in a state of greater efficiency. The number of marines on board was 7,708; the number of sailors voted was 28,000, and 5,000 for the reserve, making together 40,708, which added to the military branch gave a total force of 191,146, for the defence of this country, to be voted and paid for out of the public money, with the exception of the police. He hoped the Government would not contemplate the necessity of adding to this force a militia of raw lads. The proposed rifle corps would be found infinitely more efficient. If Her Majesty issued her proclamation, calling on the people to form rifle corps, he doubted not it would be responded to by 1,000,000 of men. He regretted to see that a rebuff had been given by the Government to an application for sanction to a rifle corps. He doubted whether Napoleon himself could have succeeded against such means of defence as we possessed; every hedge-row was capable of being made a means of attack. Without proposing any reduction on the vote, he could not help observing that the number of general officers were no fewer than 353, being more than two to every regiment, which was nothing but an iniquitous waste of the public money; it could only be wanted as the means of giving unjustifiable advancement. If the right hon. Gentleman the Secretary at War fulfilled the promise he had given, he would easily find the means of effecting great reductions, without at all impairing the efficiency of the force. On the present occasion he (Mr. W. Williams) would take a course which he had never done before, namely, that of allowing Government to have all the men they asked for the Army; and he trusted that every means would be used to make that Army efficient—that arms of an improved character would be placed in the hands of the men, so as to enable them to meet their foes on an equality.

MR. BERNAL OSBORNE said, he

would, under any other circumstances, have apologised to the Committee for the course he was now about to take, but he felt that the Committee and the country were placed in such an unprecedented position that it would be most unusual if they were to pass the present Vote of money as a matter of course. Appreciating, as he did, the great industry of the hon. Member for Lambeth (Mr. W. Williams), he must say, that on this occasion, when they had no indication of the policy of the Government, it was a little too much to expect hon. Members to get up and merely express their opinion of some particular parts of the Army Estimates. He wished to base what he had to say on a broader principle, for he did not think, after the answer which had that night been given by the right hon. Chancellor of the Exchequer to the noble Lord (Lord John Russell), that matters in that House were at all more clear or satisfactory than they were on Friday night. He was one of those who dissented from the course recently taken by the noble Lord (Lord J. Russell) when he threw up the Government of the country; and he dissented also from the course which he had afterwards taken, for he thought it unbecoming in him to put the name of the Earl of Derby before the Queen, when there were so many noble Lords in another place, and so many Gentlemen in that House, who could have obtained the support of the Liberal party, both there and throughout the country. He, therefore, dissented from the noble Lord's policy in placing the powerful but dangerous party opposite on the benches which they now occupied. The day had gone by when this country was to be divided into two parties—either the Gentlemen on those benches, or the Gentlemen on these. He thought there was a third party, not composed of the ultras on either side of the House, and that, in order to preserve free trade and carry useful reforms, a party could have been found that would have received the respect and confidence of the country. They had, however, got the Earl of Derby and the Gentlemen opposite in power, and, being in power, they declined to tell that House and the constituencies of the country on what principle they intended to found their Government. He could not think, therefore, that the present was an unfitting occasion, or that there was any assumption on his part, if he endeavoured to worm from those right hon. and hon. Gentlemen what were the principles on which they intended to conduct the government of the country. Whatever odium, whatever blame might have rested on the late Government—and he was not one of their flatterers, for they had great and manifold faults—they had at any rate this virtue, that they were open and aboveboard in the expression of their policy, and frankly told the House on what principles they intended to govern the country. Now, who were their successors? They were a party of Gentlemen who had exclusively monopolised to themselves the epithet of the "country party;" they were, as they repeatedly asserted, "more English than the English themselves," and yet directly they got into power they assumed a sort of Italian mystification, and endeavoured to conceal the cloven foot of protection under the smock-frock of official reserve. Was this their open honesty? Was it not rather what might be called shuffling, and the very meanest course that a statesman could take? He was of opinion that the proper time had arrived when the right hon. Gentleman the Chancellor of the Exchequer — he was sorry to observe he was not in his place— or some other Gentleman connected with the Government, ought to rise in his place and tell the House distinctly whether or no the question of protection was to be raised; not, perhaps, in the shape of a fixed duty, but whether any jugglery was going to take place to give what they had so often aked for, a compensation to the landed interests. As a Member of a Liberal constituency, he must say he found no fault with the elevation of the right hon. Gentleman the Member for Buckinghamshire to his present office of Chancellor of the Exchequer, nor was he inclined to arraign Gentlemen opposite—to whom he had no personal dislike whatever—for any presumed want of talent or ability, or on account of their being untried men. He was of opinion that it required no great conjuror, after all, to be a Minister of State, and that if a man had ordinary abilities, great attention to business, and some respectability of character, he was quite able to take charge of the two boxes that stood on the table of the House; and, even if he was a Chairman of Quarter Sessions, if he had fixed principles, he was as well fitted to be a Minister as any other man. As a Member for a Liberal constituency he, for one, rejoiced at the elevation of the right hon. Gentleman to the office of Chancellor of the Exchequer. He had had a hard card to play, but he had achieved his position without any aristocratic connexion, and after some severe struggles, accompanied with great dislike on his own side, and great distrust on this—[" Hear, hear!" *and cries of* " No, no!" *from the Ministerial benches.*] Why, the right hon. Gentleman had made the Protionist party what they now were; he had infused a spirit of life—of galvanic life, he admitted, into the dead body of protection, and had placed them where they now were, and those men would have been ungrateful indeed if they had not rewarded him. But he (Mr. B. Osborne) looked upon it as a tribute to the intellectual superiority of the age when he saw such a man the leader of the great aristocratic party of England, despite of them all; the man who had carried them into power, and made them what they now were, and he rejoiced therefore at his elevation. But, participating as he did in that feeling, he lamented that the right hon. Gentleman had not, in addition to his great ability, shown himself more open and candid as a Minister of the Crown. It could not be the want of audacity of talent, for the acerbity with which he followed the late Sir Robert Peel, and twitted him on various occasions, proved the reverse. He could not forget the opinions he expressed on those occasions; and, as it was not very long since some of those orations were delivered, he wondered all the more that the right hon. Gentleman did not now act upon them, and state more explicitly what the principles of his Government were. What was the language he used as to the necessity of a Minister of the Crown explaining clearly his policy scarcely more than five years ago? Before reading the words of the right hon. Gentleman, he must say that the system of the Gentlemen opposite struck at the root of all representative institutions. If they admitted people coming into power to preserve this silence, representative institutions were a farce; and so thought the right hon. Gentleman the Chancellor of the Exchequer in 1845. Would the right hon. Gentleman allow him to refresh his memory, and would Gentlemen opposite listen for a few minutes to what they applauded so lustily when it was first spoken? The right hon. Gentleman, rising with his subject, as he always did, and never so successfully as when he was persecuting the late Sir Robert Peel, said—

> " If you are to have a popular Government; if you are to have a Parliamentary Administration, the conditions antecedent are, that you should have a Government which declares the principles upon which its policy is founded, and then you can have on them the wholesome check of a constitutional Opposition. What have we got instead? We have a great Parliamentary "middleman." It is well known what a middleman is; he is a man who bamboozles one party and plunders the other, till having obtained a position to which he is not entitled, he cries out, 'Let us have no party questions, but fixity of tenure.'" [3 *Hansard*, lxxix. 5.]

Now, what did the right hon. Gentleman the Chancellor of the Exchequer do? He now joined in the chorus which he deprecated in 1845: finding himself, by a shuffle of the cards, in power in 1852, he says, " For God's sake let's have no party question, but fixity of tenure." The right hon. Gentleman, he repeated, was bound to say on what principle the Government was to be conducted, and not to follow a course which he once thought destructive of all representative government. It was not conducive to the credit of public men to see two or three Gentlemen who had Motions on the paper to reverse our commercial policy, and to assail the Board of National Education, get up on the Ministerial benches night after night, declaring that their convictions were unaltered, but that they intended to do nothing to bring them into practice. Such a course of conduct might be becoming in those who were for " fixity of tenure;" but for a Minister of the Crown it was in the last degree shuffling, if that term was Parliamentary, as he supposed it must be, from having so often heard it. What was more, the people of this country had a shrewd suspicion that the old-fashioned amusement of thimblerigging was about to be played by the country Gentlemen, with my Lord Derby as their confederate, and that the public were, as usual, to be gulled and plundered while the noble Lord and his confederates in the smock-frocks were playing the game. This state of things must come to an end. The Government were bound to speak out. He knew the reply would be, that this was a factious opposition. But he was not to be discouraged by the cry of " factious opposition," for he always found that whenever Gentlemen in office were contradicted or threatened on bringing forward their Estimates, they cried out that it was a factious opposition. He doubted if ever there was an occasion in history where Gentlemen came into power who had been so loud in their professions when in opposition, who had hunted an unfortunate Minister to death, and then, when they came into power refused to give any intimation of what their measures were to be. He cared little about what the House thought, but he cared a great deal about what the people thought; and he believed he would not stand at all the worse with his constituency for the course which he had taken. And his alarm was not all diminished when he saw the Earl of Derby, who had been called the Prince Rupert of Parliamentary tactics, assuming the character of Fabius Cunctator; and while Gentlemen opposite had been taking credit for having the winning horse, the noble Lord had been acting upon the maxim, *Cunctando restituit rem.* So that my Lord Derby had kept back, waiting in the race, thinking no doubt that his cattle were rather short of speed, though able to go through a great deal of dirt. The best horse for the Protectionist party was no doubt the waiting horse, but he hoped Gentlemen would not be gulled by this jockey trick. They asked for forbearance and a fair trial. But why show forbearance to a party whose principles they all knew, for the principles were as old as the men were new in office. They should decide not to vote any Estimates when they knew there was a Protectionist party in power who would on the first opportunity saddle them with a fixed duty, or make the public pay in some other shape to the landlords of the country. Look at the construction of the Ministry. There they were, hon. Gentlemen, who had all the real demure official look. They all remembered how, in opposition, the Gentlemen opposite spoke to the farmers, both in and out of the House, at the farmers' club, on the hustings, at dinners, and in Drury-lane. He remembered going to Drury-lane *incog.*, and hearing my Lord Malmesbury make a most furious Protectionist speech, along with Chowlers and Jowlers, when everybody complimented him for standing by the great principles of protection; and it was declared that unless those principles were carried into effect the British lion would cease to exist, with all the usual Drury-lane oratory. The farmers were beginning to be inclined towards free trade, had they not been hounded on by Protectionist orators, and were, he believed, beginning to see who were their true friends. If they had read history at all, they would call to mind the conduct of a certain Lord Stanley on another celebrated occasion—Lord Stanley, who was so profuse in his expressions of attachment and friendship to Richard III., but who, according to Hume, was so skilful in disposing of his forces, that both parties were puzzled by his procedure, for he had ranged his forces in such a manner that he was prepared to join either party, as occasion offered. He thought the farmers should ask themselves whether the same proceeding was not going to be practised by the Earl of Derby of these days that was practised by his disloyal and treacherous ancestor in 1485; for such things were in the blood, and would come out. Hon. Gentlemen were disposed to say very little of the Earl of Derby now; but were there any Gentlemen on the Ministerial side of the House who advocated the doctrine of protection when in opposition, prepared to pin the Earl of Derby down to the protectionist declaration he made last year? If Government did not make a full declaration of its policy, it must be called a thimblerigging proceeding; and the term might, with greater justice, be applied to this Government than it was applied by the Earl of Derby to that of Earl Grey—a Government which was open in its policy, and said what it intended to do. But of whom was the Cabinet constructed? They had a set of gentlemen who might be called an amalgamated society of Chairmen of Quarter Sessions leagued together to raise the price of bread. They consisted of thirteen gentlemen, who, differing on other points, were agreed in this—to raise the price of the poor man's loaf. That was their position if they were consistent. He would say "if," for he had a suspicion that they intended to throw the farmers over. This was beginning to be noised about; they were said to be coming to the opinion that they might do without protection; and then why should they not stand by the Earl of Derby, who was such an excellent man, and would give such sure protection to the Church of England? The right hon. Gentleman the Chancellor of the Exchequer had always carried out one great principle—he had always said that the Government of this country should be based on the territorial principle, and hon. Gentlemen opposite cheered lustily. They did not very well understand how far it went; but now we had got a Cabinet constituted on the territorial principle. There were in it thirteen gentlemen, who, if not all possessed of great territorial possessions, represented exclusively agricultural constituencies. They were a baker's dozen leagued together to put a tax upon bread. Then, if the Cabinet was made up in that way, let them see how the rest of the Government was constructed. He found in the Government seven county Members representing exclusively agricultural constituencies. But the territorial principle prevailed also in other offices. Ten Members of the Government represented agricultural constituencies, and the very smallest that sent Members to that House; and he might make out a good case for reform from the places those ten Members represented. To begin with the alphabet, there was Abingdon, represented by the hon. and learned Attorney General. He believed that the hon. and learned Gentleman had 314 constituents, and they were so fond of him that they actually made him promise never to present himself to them again, and he promised never to go near them again. [The ATTORNEY GENERAL: No, no!] It might be that the promise only applied to the next election; but this was some of those legal quibbles in which the hon. and learned Gentleman was fertile; and he would ask the hon. and learned Gentleman, as an honest man, whether he was going there again? Then there was the hon. Member for Chichester (Lord G. Lennox). Did he represent any popular constituency? Let them take up *Dod*, and they would find that the Duke of Richmond had paramount influence there. Buckingham, with a constituency of 376, was under the influence of the Duke of Buckingham, and that was represented by a Lord of the Treasury (the Marquess of Chandos). Then the right hon. Secretary of State for the Colonies (Sir J. Pakington), who had treated the West Indian interest with such consideration, and who was so much praised by that interest for his straightforward conduct in giving notice of a Motion on one side of the House, which he was not prepared to carry out on the other, had a constituency of 338. The right hon. President of the Board of Control (Mr. Herries) sat for Stamford, which was under the influence of the Marquess of Exeter. ["No, no!"] Did hon. Gentlemen presume to contradict *Dod?* Was it not notorious that the Marquess of Exeter held the greater part of the 10*l.* houses in Stamford? It appeared to be disagreeable to the hon. Gentlemen opposite to have their constituencies dissected. With regard to the right hon. Secretary for the Home Department (Mr. Walpole), he gladly and willingly acknowledged that that right hon. Gentleman ought to have a seat in that House whatever place he might represent, and he only hoped to see him sit for some place more important than Midhurst, which had only a constituency of about 300; among whom the influence of the Earls of Digby and Egmont was paramount. Those who were for the territorial principle were consistent in wishing to keep up this state of things; but he, for one, would desire to abolish these rotten boroughs, and would not allow the Earl of Egmont or the Marquess of Exeter to exercise influence in them, but would tell him to be satisfied with their influence in another place. Now, out of the ten agricultural boroughs to which he had alluded, represented by hon. Members on the other side, seven were nomination boroughs, and some of the others not of the best character; and did the hon. Gentlemen opposite, then, expect that the country, remembering what had been their professions on the Opposition side of the House, would be so besotted as now to grant them any confidence? For his part, he was sorry that a direct vote of want of confidence had not been moved. He had no confidence in the Government at all, and he believed that they had no confidence in themselves. If they had, why did they not come forward boldly, like men, and declare their principles? They said that they were still of the same opinion as they had so often professed before the country, that free trade was ruining, not the territorial interest alone, but the labouring interest, the commercial interest, and every interest; and yet, when they were in position to give effect to their principles, they slunk from the obligations attaching to the situation in which they had been placed by, as he conceived, the unpardonable weakness of the noble Lord (Lord J. Russell). What claim for forbearance did their English appointments furnish? A claim for forbearance had been put forward on the ground of law reform, of which he found the lawyers to be suddenly enamoured. Certainly Lord St. Leonards, when he formerly sat in that House, did not distinguish himself as a violent law reformer. Indeed, if hon. Gentlemen would only turn to the pages of *Hansard*, they would find that Sir Edward Sugden, in that House, then opposed every measure of useful reform, and was one of the most intolerant and bigoted Tories in the House. And yet they were told that they must have confidence in the Government, because Lord St. Leonards was there! That noble Lord's presence in the Government gave him (Mr. B. Osborne) no great confidence, neither did the other law appointments. They might be great lawyers, but the House would not forget that those lawyers were the first men to desert Sir Robert Peel; for deserted that statesman was,

> ——" in his utmost need,
> By those his former bounty fed."

Yet they were told that they ought to have confidence in the law appointments of the Government. Now, he thought the Government was not entitled to confidence; and, in his opinion, granting the necessity of law reform, even law reform might be purchased too dearly; and he was not prepared, for its sake, to sacrifice free trade and all other reform. The only forbearance he could advice his hon. Friends to have was to exercise a salutary restraint, and not to grant the Government men or money until they defined their principles. So much for the English appointments of the Government. He should make no allusion to the right hon. Gentleman the Secretary at War, because he was not in a state to answer any allusions that might be made to him. [Major BERESFORD said, he was quite ready to do so.] Well, then, if he made allusion to that right hon. Gentleman, he should say that, if there were one appointment worse than another, disentitling the Government to common respect, it was the appointment of the right hon. Gentleman the Secretary at War. After the speech made by the right hon. Gentleman the other day on the hustings at Braintree, where he said he did not care for the people—that he only looked to the electors of Essex—he thought the right hon. Gentleman was not entitled to the respect of any person representing an English constituency. Then, what was to be thought of the Irish appointments? In the state of Ireland this was a matter for more serious consideration than the English appointments. He had always heard Gentlemen from Ireland express considerable feeling against any Government that did not happen to have an Irishman in the Cabinet; but on the present occasion he rejoiced that there was no Irishman in the Cabinet, for, if there were, he would necessarily be of such opinions as could produce nothing but unlimited mischief to Ireland. The nobleman chosen for the Lord Lieutenant, was, if that office were to be retained, probably the best of the Irish appointments. If that nobleman only confined himself to the Curragh and the Castle, he would not do much mischief; but the appointments he had already made did not entitle him to confidence. The appointment of Chief Justice Lefroy was a most mischievous one. Then let the House only look to the noble Lord's chaplains. For them the noble Lord had singled out, not impartial individuals, but all those men who were the most pledged against the system of National Education in Ireland. The right hon. and learned Gentleman (Mr. Napier) shook his head, and no doubt thought the appointment of Mr. Singer, who proposed the right hon. and learned Gentleman for Dublin University, a good appointment. Yet Dr. Singer was a most implacable bigot against the Roman Catholics. Let the House only consider the speech made by Dr. Singer the other day against the National Education system. The right hon. and learned Gentleman had made a speech full of misrepresentations concerning the Earl of Clarendon's appointments; but he (Mr. B. Osborne) would forfeit his seat in that House if Dr. Singer was not the most implacable opponent of the system of education, and if he ever spoke of the Roman Catholics without throwing contumely on their creed. He now came to the legal appointments of the Government in Ireland. He had a great feeling of respect for the right hon. and learned Gentleman representing the University of Dublin; but that right hon. Gentleman had a thorough feeling of dislike to the principles of the Roman Catholic religion, and was not a man to be put in the situation he now held if the Government wished to have the confidence of the Irish people. The sooner the Government put the right hon. and learned Gentleman on the Bench, the better the Irish people would be satisfied. The right hon. and learned Gentleman would do nothing but credit to the Bench; but, representing the University of Dublin, he would make speeches distasteful to the Roman Catholics, by whom they would be resented. Then, there was the hon. and learned Solicitor General for Ireland, for whom he had equal respect; but by the course that hon. and learned Gentleman had taken in that House—by opposing all reform in Ireland out of the House, and by the manner in which he had spoken of his Roman Catholic fellow subjects, it was evident that he was not a man in whom the Roman Catholics could have any confidence whatever. Then, there was the Secretary for the Treasury (Mr. G. A. Hamilton), another representative of the

University of Dublin; and it must be a misfortune to any Government to have two representatives for Dublin University, not entitled to the confidence of the Irish people, as two prominent functionaries of the Administration. He perceived that the noble Lord the First Commissioner of the Board of Works smiled, and he had reason to smile, because his poetic prophecy was now become true; commerce was at a discount, and the old nobility had got it all their own way. No doubt the territorial principle had been satisfactorily asserted, in the noble Lord's opinion. The country had heard af the "broad bottom" Administration, and the Administration of "all the talents," and the people would not hereafter, forget the Government of "all the squires" of 1852. But he (Mr. B. Osborne) had neither confidence in the Government nor in their professions. He thought it mischievous to have men in office whose convictions, if they were compelled to act on them, would ruin the country; and it was because, if he gave the Government any support, it must be on the ground that they were false to their former professions; because he believed the right hon. Member for Droitwich (Sir. J. Pakington) honest in his opinions, earnest in his intentions, and incapable in his actions, that he proposed not to grant the Government either money or men.

Mr. WHITESIDE said, that his hon. Friend who had just sat down, had adverted to the law appointments of the Government in Ireland in terms which he (Mr. Whiteside) felt compelled to notice. He was not sure whether his hon. Friend imagined that he excelled in irony; but he should say that he doubted whether the speech of the hon. Gentleman was constructed in that severe taste of polished sarcasm which he should have thought most suitable to that House. He reverenced genius when he met it; he admired eloquence when he heard it; but he thought he could distinguish between the divine original and the miserable imposture. The hon. Gentleman had criticised severely the Ministers who had made the recent appointments in Ireland, which he said did not deserve, and had not obtained, the confidence of the Roman Catholic people, or, as he (Mr. Whiteside) understood, of the Roman Catholic priesthood. [Mr. Osborne: No!] Now he was certainly open to that objection; and although he had never in his life, to his knowledge, uttered a sentiment offensive to Roman Catholics, he had not concealed his own opinions; and if the fact of being a sincere Protestant, and of holding firmly the doctrines of the Reformation, were to disqualify men for office, he admitted that he and his hon. and learned Friend the Member for the University of Dublin (Mr. Napier) should be for ever debarred from the pursuit of an object of honourable ambition. But if the hon. Member merely meant that no man ought to be placed in office who would refuse to the Roman Catholics of Ireland impartial justice, or who would withhold from them a full share in every wise and useful measure that could be suggested by patriotic men for the good of that country, then he entirely agreed with the hon. Gentleman. Was it necessary, however, he would ask, for a man to be a hypocrite —was it necessary for a man to pretend to believe things he did not believe—or must a man have no opinions, on the subject of religion, in order to entitle him to a place in the Irish Government? He could perfectly understand an hon. Gentleman who had no profound convictions himself on any religious subject, satirising those who had; but he believed there was nothing in an adherence to the religion of the bulk of the people of this country which could disqualify a man for office, if his character were unspotted, and his conduct honourable. What was there in the profession of the Protestant religion to disentitle him, or any man, to the favourable consideration of his Sovereign? So far had he been from having offended his Roman Catholic fellow-countrymen, that he could state in his own defence, that, when liberty and life had been at stake, the humble individual who then addressed the House had been more than once selected by Roman Catholic gentlemen as their defender; and he was not conscious that he had ever betrayed that trust. He told the hon. Gentleman that he would rather strip the gown he had the honour to wear from his back, than drag it through the mire of faction. The hon. Gentleman had eulogised the noble Lord the Member for London, and his Administration; but he (Mr. Whiteside) would contrast their appointments with those of the noble Earl. He (Mr. Whiteside) said that the Administration of the late Government in Ireland was the Administration, not of the great Whig party he saw before him, distinguished by their ability, their position, their knowledge of affairs, and their eloquence, but the Administration of a clique. From that Administration every man who held the opinions of the late Sir Robert Peel—every man who held Conservative opinions, was excluded. The party of the hon. and learned Gentleman the Member for Athlone (Mr. Keogh) was excluded from that Administration, which had degenerated into a clique, that had daily been growing "fine by degrees and beautifully less," until, in his profession, men had been elevated to power whose voices he had never heard during his professional career. ["No, no!"] It was true, Lord Derby, on the other hand, had recommended the appointment of the present Lord Chancellor of Ireland; and he (Mr. Whiteside) spoke the voice of his profession when he said that that appointment had met with the approbation of the public and of the entire Bar of that country, not merely because that distinguished person would pronounce his judgments in court with ability and speed, but because he would organise—and, indeed, he had already done so—those large and liberal measures of legal and equitable reform, at which the hon. Gentleman had sneered, but which deeply concerned the property, the industry, and the peace of every individual in the community. The first Judge whose elevation the noble Earl at the head of the Government had recommended, was one who had never served him, but who had served the right hon. Baronet the Member for Ripon (Sir J. Graham). He had been the Attorney General with the right hon. Baronet (Sir Robert Peel). A Conservative, but moderate in politics, he had been passed over by the late Ministry, notwithstanding his learning, knowledge, and experience; he had been passed over on account of his opinions; but he (Mr. Whiteside) appealed to the right hon. Baronet the Member for Ripon whether an honester, a better, or an abler man had ever served the Crown? Lord Derby had recommended his elevation to the Bench after having asked, as he (Mr. Whiteside) had heard him ask, not what individual would best serve his party, but what individual would best serve the interests of the public. It was true that Baron Lefroy had been promoted to the office of Chief Justice of the Court of Queen's Bench; but if the hon. Gentleman would consult even Roman Catholic gentlemen connected with the Irish Bar, he would be told by them that the whole career of Baron Lefroy since he had been raised to the Bench had been distinguished by learning, temper, and moderation. He (Mr. Whiteside) had no right, perhaps, to trespass further on the time of the House; but he wished to take that opportunity of adverting to a passage in the speech of the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) on a recent occasion. He confessed he was at a loss to discover what there had been of an unconstitutional character in the conduct of Lord Derby, either in his acceptance of office, or in his continuing to remain there until such measures as he conceived to be necessary for the good of the country should have passed through Parliament. It was not he who had driven the late Ministry from power. They had fallen unexpectedly under a blow aimed by a friend, with the best motives no doubt; they had fallen by a deliberate vote of that House, which the noble Lord the Member for London had accepted as amounting to a declaration of a want of confidence in his Government. The right hon. Gentleman the Member for the University of Oxford had said that the acceptance of office by Lord Derby was laudable, but that if he continued in office for an unnecessary period of time without appealing to the country, his conduct would be unconstitutional. The question, therefore, became one merely of time; and every hon. Member would be bound to record his vote against any measure which might be introduced by the Government, not for the public good, but for the purpose of prolonging the inglorious existence of a Ministry which had outlived its usefulness and its honour. Public opinion would pronounce its decision on the conduct of the Government of Lord Derby, and by that decision they should either stand or fall. But he (Mr. Whiteside) was satisfied that whether that noble Earl's tenure of office were short, or whether it were prolonged, it would be directed to maintain peace abroad, if it could be maintained with honour; to preserve tranquillity at home; to keep the people of this country religious, happy, and contented; to uphold the prerogatives of the Crown; and to guard undiminished the liberties of the country.

MR. HATCHELL regretted that the hon. and learned Gentleman opposite, in replying to the hon. Member for Middlesex on the subject of the recent legal appointments in Ireland, had not confined himself to a panegyric on those appointments; but he had with his usual indiscretion charged the late Government with making unfair appointments; those appointments, however, though they might not be satisfactory to the hon. and learned Gentleman, were perfectly satisfactory to the Irish people. The hon. and learned Gentleman intimated that some of the persons who had been appointed to office by the late Government, had never before been heard of in a court of justice. Did the hon. and learned Gentleman apply that remark to the Judges appointed by the late Government? Did he mean to apply to Sir Michael O'Loghlin the observation that his voice was never heard in courts of justice? Were not also the late Chief Barons Wolfe and Brady, and the present Chief Justice of the Common Pleas, and Mr. Justice Moore, ornaments to their profession? He felt called on to make these few remarks because his hon. and learned Friend was not satisfied with defending the present Government, but endeavoured to throw odium on the late Government. With respect to the legal promotions made by the present Government, he entirely agreed with his hon. and learned Friend's observations with respect to the appointment of the Lord High Chancellor.

Mr. BOOKER said, he thought they might then very well drop the subject of the law appointments of the Government. Neither did he mean to enter into any discussion of the extent to which Government possessed the confidence of that House; and he certainly would not attempt to pronounce any opinion on the confidence which the hon. Member for Middlesex (Mr. B. Osborne), who had opened that debate, had manifested in himself. But as a Member of that country party which the hon. Member had attacked in such unmeasured terms, he was desirous of recording the entire confidence which he, as a member of that party, reposed in the Government which had just been formed. He was desirous also of taking that opportunity of expressing his entire reliance and confidence in the judgment, the discretion, the eloquence, and the ability of the right hon. Gentleman who led them in that House. He readily joined in the tribute of respect which had been paid to that right hon. Gentleman's genius and ability; and assuredly no taunt from the other side of the House would wean the country party from the confidence they reposed in him. He (Mr. Booker) apprehended that it was unnecessary for him to dilate on the ability, the manliness, and the integrity of the noble Lord the present First Minister of the Crown. That noble Lord had led them on through good report and through evil report; and his counsels he (Mr. Booker) hoped would at present prevail, for he doubted not that those counsels would tend to the honour of the Crown, and the welfare and prosperity of the people. He would not then enter into the question of free trade or protection. That question should be decided by an appeal to the constituencies of the country; and after the constituencies should have returned Members to a new Parliament, that question would be properly and usefully reopened. At the same time, he must say that there was something extraordinary in the conduct of that party, which seemed to pant for an appeal to the country, in prolonging these discussions, and taunting the right hon. Gentleman on his (Mr. Booker's) side of the House with unnecessarily prolonging the duration of the present Parliament. By such unseemly haste they betrayed their real fear of meeting their constituents at the hustings. ["Oh!"] That observation might be received with a sneer or a smile; but the Government had answered the appeal that had been made to them. They had told the hon. Gentleman on the opposite side of the House what were their objects in keeping the present Parliament together, and avoid pushing them before the notice of their constituents. They had told them that the necessary business of the country had to be gone through, before, with safety to the Crown and the institutions of the country, an appeal to the country could be made. As soon as that business had been gone through, and no sooner, an appeal would be made to the constituent body. But he apprehended that hon. Gentlemen opposite were keenly alive and desperately uneasy as to the course which the Government were likely to pursue; he apprehended that they were not without a belief that the course which the Government would take, might tend to confirm them in office. Hon. Gentlemen opposite taunted their opponents with postponing an appeal to the country while they were in a minority in that House; but had not the Members of the late Administration themselves attempted to carry on the Government of the country with a not acknowledged, but with a practical, minority on almost every important subject that had of late years been submitted to Parliament? They might depend upon it that the great party that now occupied the Ministerial side of the House were bound together by a bond of union which could not be dissolved by such a confederacy as that which they had to face. It was absurd to taunt the right hon. Gentleman the Chancellor of the Exchequer with shrinking from a plain avowal of his principles. Why, it was the manliness with which he had professed his principles when in Opposition, that had, by the aid of his great industry and eloquence, placed him in his present distinguished position, and from which it would be more than hon. Gentlemen opposite could accomplish to displace him. He (Mr. Booker) believed that the people of England had confidence in the present Administration. They were sick of the imbecility, the vacillation, the utter absurdity of the manner in which the Government had been carried on by the late Administration; and it was a relief to them to see in office men who would hold the reins of power with a firm hand, and who would proceed on broad principles. Those principles, he was sure, would receive the approbation and approval of the people. It had been said that public opinion had received a shock, and that the interests of this country would suffer every moment that the Earl of Derby's Administration continued. But what evidence was there of that? The late Government had by their policy forced production, but they had forced it at the cost of a diminution of profits, and they had placed themselves in a position which left the present Administration and its supporters in no fear of an appeal to the constituent body.

SIR BENJAMIN HALL said, the hon. and learned Solicitor General for Ireland had, in the course of his speech, put one very pointed question—he had asked whether it was necessary to be a Minister for a man to be a hypocrite? He (Sir B. Hall) would ask—Is it not advisable that he who is a Minister should be an honest man? and, if such were the case, and if the hon. and learned Gentleman thought that the Ministry, as it stood at present, was composed of men who were determined to support a policy they had formerly pronounced for—if they were determined to stand by those professions which had enabled them to acquire the high position they now occupied, he thought they ought, having attained that position, to come forward and declare, as honest men, to the country whether they intended to abide by those professions, or whether they merely put them forward for the purpose of acquiring office. He was very much surprised at the speech which had been delivered by the hon. Gentleman who had just sat down. He remembered when his hon. Friend came forward as a candidate for the representation of the county of Hereford, seeing in a paper which advocated the principles of the Tory party in that county, a statement to this effect: "We have now Mr. Booker as a candidate for the honour of representing Herefordshire. We shall return him to Parliament, and we shall have a man who will 'beard the lion in his den.'" That lion was his noble Friend late at the head of the Government, and the den the assembly in which they then sat; and yet, from the time his hon. Friend (Mr. Booker) was elected, to the present moment, he had never suggested in that House one single idea in accordance with the professions he had advanced when he came forward as a candidate for the representation of the county, or submitted one single Motion for the improvement of that interest which he is said to represent. And what were the unfortunate deluded constituents of his hon. Friend doing at the present moment? He held in his hand a circular which had been sent round the county, giving notice that a meeting of the Protectionists of Peterchurch and the neighbouring district would be held at the Broughton Arms, in Peterchurch, to consider the best mode of proceeding as to the forthcoming election, with a view to return Protectionist candidates. The hon. Gentleman says he would let them know what they meant by protection; but when Gentlemen on his (Sir B. Hall's) side of the House asked them to come forward and declare what they intended to propose as to protection, for which they had so long clamoured, they called them factious for putting the question. Was this the conduct of honest men? He was not going to review the circumstances under which his noble Friend had given up office, or the noble Earl now at the head of the Government had acquired office; but he would remind the House that the noble Earl was reported to have said, in another place, on the 27th of February last, as the principles upon which his policy was propounded—upon some points of which he was very explicit—that the people should have no reform—no extension of the suffrage—no security for the voter; that the Church should be dominant—that the religious education of the people should be placed under the clergy of the Established Church, not only in this part of the United Kingdom, but in the other; and then he said: "I know I am in a minority in the other House, and I question whether I am in a majority in this House; but all I ask is forbearance." Forbearance for what? That he might work all the appliances of the Government, and when he had a majority, or was in a position to acquire it, then he might lay a tax on the food of the people. Was that a reason why the House should show forbearance—why hon. Members who represented large constituencies should depart in peace and show the Government forbearance? But the noble Earl was very decided upon some points: he did not say one thing definite as to his policy upon the corn laws; it appeared as if he was endeavouring to avoid that great question, and therefore it became the duty of hon. Gentlemen on that (the Opposition) side of the House to endeavour to extract from the Government something definite on the question. Now, having read that speech of the noble Earl, and not finding anything definite, he (Sir B. Hall) and his friends had naturally looked forward to the addresses to be issued by the members of the Government when they went to their constituents. Allusion had been made to the address issued by the right hon. Gentleman the Chancellor of the Duchy of Lancaster. That right hon. Gentleman said distinctly he was for a reversal of the commercial policy of Sir Robert Peel; but as that right hon. Gentleman was not in the Cabinet, they then looked to the addresses of those who were: first, they saw the address of the right hon. Gentleman the Home Secretary, who represented an agricultural constituency; but that right hon. Gentleman took care not to say one word about protection; all he intimated was, "You are agricultural constituents whom I represent—some 200 or 300—and I promise you that you shall have a full and efficient reform of the Court of Chancery." Much they cared about Chancery suits! They would much rather have heard the intention of the right hon. Gentleman and the Government as to protective duties. Then they came to the address put forward by the right hon. Gentleman the Chancellor of the Exchequer, which, as might be expected from that Gentleman, was full of words without much meaning; so they waited patiently for his speech on the hustings at Aylesbury, where, after long prefatory and unimportant remarks, he alluded to the statement of Mr. M'Culloch, and said it was his intention—or, at least, he conveyed that impression—to put a fixed duty on corn.

He spoke of a 7*s.* duty on corn, and a graduated duty on other species of grain; and he added—

> "If the general body of the community, from their prejudice, their passion, and their short-sighted views, have a prejudice against this policy, I will not pledge the existence of a Government upon such a measure."

What were they to gain from that? Were they to have a fixed duty or not? And then what came of that highflown language of the right hon. Gentleman on former occasions when he said, "I admire a Minister who says he holds power to give effect to his own convictions?" What were the right hon. Gentleman's own convictions? He had not told them lately what they were. And then the right hon. Gentleman went on to say—

> "Unfortunate will be the position of this country when a Minister pursues a line of policy adverse to the convictions which he himself entertains."

Why, a short time since, the right hon. Gentleman entertained the strongest convictions in favour of protection. Was he afraid to avow them now? Was he afraid to give utterance to them when his noble Friend (Lord John Russell) asked upon what policy the Government was propounded? And then, the right hon. Gentleman said on the hustings—

> "It is our belief that the best way, so far as the agricultural interest is concerned, would be to adopt that mode which science has recommended, and which we think only prejudice and passion oppose; but if the country will not have recourse to that mode of compromise, we bow to their decision."

And added, if they did not give up this prejudice—

> "They shall have measures forced upon them by which they will suffer infinitely more."

What was the meaning of the threat of the Government to the country that they should have measures forced upon them if they objected to have their food taxed? He believed the measures they would most suffer from would be a tax upon their food, and he thought it would tax the ingenuity of the right hon. Gentleman himself to find out anything that would be more offensive to them than a recurrence to a duty on the importation of foreign corn. The right hon. Gentleman the Chancellor of the Exchequer said he wished to put forward that scheme which science had recommended. But why should they not adhere to that system from which they had received daily practical benefits? and as to talking of the prejudice and passions of the people being against a tax on their food, it was not a very unnatural thing for a man not to like to have his bread taxed. If it was a "prejudice," depend upon it the people would adhere to that "prejudice;" and if it was a "passion," they would give way to that "passion." Lately we had opened relations with a very singular people, the Chinese. They had some strange notions, one of which was, that the seat of the mind was in the stomach. He would not stop to analyse or dissect that proposition; but this he would tell the right hon. Gentleman, that if he intended to put a tax on the food of the people, he would quickly discover that the stomach would produce a very powerful effect upon the mind. But the right hon. Gentleman was explicit neither on the hustings nor in that House, and therefore it was necessary they should look back a short time and see what his views were, in order that if he intended to act as an honest man they might have some guarantee as to what he intended to do. He would not go back to times past—to 1832, 1834, or 1835—when the right hon. Gentleman advocated some of the most liberal opinions entertained by any Gentleman in that House. He had said on the hustings that it was perfectly true he had entertained and had advocated such opinions, but they were juvenile indiscretions, and he had now "sown his wild oats." Two years afterwards he became pledged to protection—he was pledged to protection; it was upon that that he had acquired office, and he was bound to tell the country before the dissolution, which he had announced is to take place before long, what were the views he entertained upon that subject. In 1841 he was strongly against an 8*s*. fixed duty, In 1846, when there was a proposition for a 5*s*. duty, he, in conjunction with the late Lord George Bentinck, said he would have nothing to do with it. He said that in 1842 there was a revision of the sliding scale, that they had then come to a compromise which was to be permanent, "and he supported that arrangement as a just, judicious, and moderate protection." Those were the words of the right hon. Gentleman, often repeated, that there might be "no mistake." Now, what was the protection at that time, and what was the protection which, if the right hon. Gentleman was honest and sincere, he would impose now? It was a protective duty of not less than 20*s*. when corn was 50*s*. But the Chancellor of the Duchy of Lancaster thought this duty too low, and actually proposed a duty of 25*s*. when corn was 50*s*.: will he or the Government dare to make that proposition now? There was a very remarkable speech by one who was the soul of honour—the late Lord George Bentinck—a man beloved and respected by every one who knew him; who gave up all his pursuits, all his favourite avocations, for the purpose of working, to the best of his ability, the question of protection. They had had twelve nights of debate upon that question, and the last speech delivered was uttered by that noble Lord. He had an extract from that speech, and as it was short and apposite, he hoped those who voted with the noble Lord would listen to it. On the 27th of February, 1846, he said—

> "Deeply should I regret should any large proportion of those Members who have been sent to Parliament to represent the landed tenantry of England in this House, prove to be the men to bring lasting dishonour upon themselves, their constituencies, and this House, by an act of tergiversation so gross as to be altogether unprecedented in the annals of a reformed or unreformed House of Commons." [3 *Hansard*, lxxxiv. 349.]

And when the noble Lord was taunted by one of his opponents, and when it was said this question of protection was brought forward for the sake of the aristocracy, and that they were a proud aristocracy, he said—

> "We are a 'proud aristocracy;' but, if we are proud, it is that we are proud in the chastity of our honour. If we assisted in 1841 in turning the Whigs out of office, because we did not consider a fixed duty of 8*s*. a quarter on foreign corn a sufficient protection, it was with honesty of purpose and in single-mindedness that we did so. If we are a proud aristocracy, we are proud of our honour, inasmuch as we never have been guilty, and never can be guilty, of double dealing with the farmers of England—of swindling our opponents, deceiving our friends, or betraying our constituents." [3 *Hansard, ibid.*]

That speech of the noble Lord, who was, as he had said, the soul of honour, was delivered on the 27th of February, 1846; and six years afterwards, upon that very day, upon the 27th of February, 1852, the Earl of Derby, who had been the Colleague of the noble Lord as to his views upon this question, got up in the House of Lords as the Prime Minister of this country—placed in that office in consequence of his advocacy of protection—and neither he nor the right hon. Gentleman the Chancellor of the Exchequer had the moral courage or political honesty to declare what his views were upon it. Were they guilty of double-dealing with the farmers of England, or going to say to them honestly—"In 1846 we said a 20*s.* duty when corn was under 50*s.* was a just, judicious, and moderate protection, and that you shall have?" Would they dare to say that to the farmers of England; or would they be guilty of a gross act of tergiversation and say, "Protection is dead—we put it forward as a mere delusion, in order that we might acquire office, and now that we have acquired office, and have the opportunity of carrying out our views, and going to a dissolution to settle this question, we will adopt it to this extent, that we will make it our stalking horse at the coming elections, not with a view of encouraging but for the sole purpose of preventing those unpleasant questions of Parliamentary Reform and the Ballot from being considered by the electors? [*A laugh.*] Hon. Gentlemen might laugh, but would they come forward to their constituents and say—"We were honest, steady Protectionists in 1846, when we were in favour of a sliding scale, and voted against any alteration; our opinions were the same when you elected us again in 1847; but now, when we are in office, we are not prepared to carry out our principles." But they had now a Protectionist Government. In looking at the list of the Government, he found that all the Members of it, except two, were Protectionists. Who were those two? Members of what was called a liberal profession, the Attorney General and the Solicitor General, the law officers of the late Sir Robert Peel. The one had been already alluded to; it seemed, by a happy arrangement, he was not to appear again at the place he now represented. The other hon. and learned Gentleman had been endeavouring, so far as he could learn, to get a seat in the most corrupt and notorious borough in existence—Harwich. The hon. and learned Gentleman was well acquainted with boroughs of various descriptions, because he believed he had sat for Ipswich, and afterwards lost his seat; and so gross was the bribery that the Committee determined that the defence made to the petition by the learned Gentleman was frivolous and vexatious. But some hon. Gentlemen said that a reversal of policy was not what they asked for—they meant a modification. Now, what did modification mean? Did it not amount to a reversal of the whole policy? If they put any tax whatever on the food of the people, it would be a reversal of policy. But it was said that although the right hon. Gentleman the Chancellor of the Duchy of Lancaster put forward an address for a reversal of policy, the other hon. Gentlemen and noble Lords in the Cabinet were not in favour of such reversal, but of the modification to which he had referred. He thought that if hon. Gentlemen and noble Lords were pledged to anything, they were pledged to a reversal of policy. At a meeting of the friends and members of the National Association for the Protection of Industry, held at the London Tavern on the 12th of December, 1851, at which the Duke of Richmond presided, it was moved by Lord Berners, seconded by Lord Malmesbury, and supported by Mr. Gilliott (he supposed one of the deluded farmers), and resolved—

> "That all friends of protection are hereby earnestly called on to support the Association, and to co-operate to the utmost of their power in obtaining a reversal of the present system of free importation, which is fast sapping the sources of national wealth, and threatens to consummate, ere long, the ruin of the country."

That meeting was attended by some of the noble Lords and hon. Gentlemen who were now in the Cabinet. Again, the noble Lord now at the head of the Government said, on the 28th of February, 1851—

> "I cannot, as an honest man, abandon the attempt to relieve the existing distress by retracing the false step which has been taken, and to remedy the wrong done by the imposition of a moderate import duty on corn."

And in another part—

> "By the imposition of a moderate duty upon the import of corn and provisions, to get rid, in a year or two, of the income tax."

Now, let them observe the effect of that. The income tax produced between 5,000,000*l.* and 6,000,000*l.* About 11,000,000 quarters of corn were brought in annually, and in order to cover the deficiency caused by the repeal of the Income Tax, they must have a 15*s.* duty on the importation of corn, or perhaps more, for the quantity imported would diminish as soon as a tax was imposed on the importation; and this was what they called a moderate duty, and no reversal. Were they going to reverse the free-trade system, or were they not? That was all that they were asked, and they ought to answer the question. He would trouble the House with only a few statistics; but would refer all who desired a full and clear statement of the effects produced by free trade upon this country to the admirable *exposé*, supposed to have been drawn up by the late Secretary to the Treasury the hon.

Member for Herefordshire (Mr. C. Lewis). It appeared that the imports of the United Kingdom from 1841 to 1845 inclusive, amounted to 360,641,000*l.* In the five years 1846–1850 that value rose to 466,755,000*l.*; being an increase of not less than 21,222,000*l.* per annum. So much for the imports. In the five years 1841–1845 the official value of our exports was 659,408,000*l.*; in the five years 1846–1850 that value rose to 833,166,000*l.*, being an increase of 34,731,000*l.* per annum. Let him now state some facts in illustration of another point, which might be regarded as affording very strong indication of the increased prosperity of the country under the system which was now in operation. The bankruptcies in the first five years to which he had alluded were in number 7,010; in the last five years 7,072, being an increase of 62; but these bankruptcies were in the proportion during the first period of 1 in 2,410 of the population, whereas in the latter period the proportion was only 1 to 2,534 of the population. Again, the commitments in the first five years were 139,505, or 1 in 121, while the commitments in the latter five years had fallen to 138,968, or only 1 in 129. Again, also, it would be admitted, he presumed, that diminution in the poor-rates might be considered as indicating augmented prosperity among the people. Now, he found, upon reference to the poor-rate in Manchester, that whereas there had been a steady increase of poor-rate there up to 1847, when the amount was 122,000*l.*, there had, since that period, been a steady and marked decrease; in 1848 it was only 90,000*l.*, in 1849 it was only 70,000*l.*, in 1850 it was 65,000*l.*, and in 1851 it was only 60,000*l.* So that, since the commencement of free-trade, there had been a decrease in this rate of no less than 50 per cent. Such were the benefits of the system. Why was it desired to revise, modify, or abolish the system? and for whose benefit was this revision, modification, or abolition to take place? Was it for the landlords', or for the tenants', or for the labourers'? As to the landlords, he was informed that two of the noblemen who had all along been loudest in their clamours for protection (the Dukes of Richmond and Rutland) had found, since free trade, no material diminution in their rents. If it were the tenants who had suffered by the change, why did not the landlords take measures themselves for reducing those sufferings? As yet no reduction of rents had taken place. ["Oh, oh!"] No general reduction, certainly. There had been, doubtless, various particular instances of reduction; but when Gentlemen said, as many had said, that it was impossible for the tenants to pay rent, and tithes, and taxes, could they show him that any general reduction had taken place at all equivalent to the stated exigencies of the case? As to the labourers, let him (Sir B. Hall) repeat what the right hon. Gentleman (the Chancellor of the Exchequer) himself had said the other day on the hustings at Aylesbury:—

> "In 1846 we all admitted that there would necessarily be a great expansion of the foreign trade, and we said that expansion would be accompanied by considerable suffering, which would overweigh our great and important interests at home. No doubt much that was predicted did not occur; but allow me to say that much that was predicted has occurred. Distress on the farmers has occurred; but I admit, and it is with unfeigned pleasure I admit it, that the labouring population of England has not suffered, but, on the contrary, their condition has improved."

Clearly, then, the right hon. Gentleman himself threw overboard one of the main arguments which had been put forward for the reversal of free trade; the labourers, he admitted, had found their condition improved by that policy. There appeared to be, indeed, only one point on which the right hon. Gentleman had been thoroughly consistent, and that was his opposition to everything that had been done by the late Sir Robert Peel. When Sir Robert Peel was in opposition, and he was asked what should be done for the benefit of the people, he said—"Place me in power and I'll tell you." What said the right hon. Gentleman when on the Opposition benches? "We want protection, the country will be ruined without it;" but when he got into office he threw the whole question overboard. In order that he (Sir B. Hall) might not be charged with presumption, he would not rely upon his own words in addressing what was called the country party, but he would quote the language of one for whom that party once entertained the greatest respect, and of whom he was quite sure the Chancellor of the Exchequer entertained the very highest opinion. To those words, which might be words of truth, which appeared, further, to be almost words of prophecy, he begged the attention of the House:—

> "We must ask ourselves, as subjects of a popular Government, what were the means, what the

machinery by which Sir Robert Peel acquired his position. The right hon. Gentleman supported a different policy for a number of years. Well do we remember—perhaps not without a blush—well do we remember the efforts which we made to raise him to the bench on which he now sits. Who does not remember the 'sacred cause of protection?' This Gentleman suddenly finds that the arguments in favour of protection to native industry are not, after all, so urgent as he once thought them. He discovers that the principle of protection cannot be supported. Having arrived at that conclusion, then, with all debating dexterity, with all the Parliamentary adroitness he possesses, he comes forward—he has the sublime audacity to come forward and confess, that at his ripe age he is convinced by arguments the very same we have heard for the last thirty years. If the constitution which governs England be a constitution that makes men recommend that of which they do not approve, then the sooner we get rid of that constitution the better. Let men stand by the principle by which they rise—right or wrong. I make no exception. Do not, then, because you see a great personage giving up his opinions, do not cheer him on, do not yield so ready a reward to political tergiversation."—[3 *Hansard*, lxxxiii. 115, 118, 121.]

These words, surely, were the words of prophecy. Whose words, then, were they? Those of the right hon. Gentleman the present Chancellor of the Exchequer himself in 1846; and he now begged emphatically to ask the right hon. Gentleman whether he intended to be one of the men who "stand by the principle by which they rise, right or wrong?" or whether he intended to be an exception? Did he mean, in the next Parliament, to act up to the profession of protection by which he had risen to his present position, or did he contemplate the political tergiversation he had in 1846 denounced, and imagine he should get over the difficulty by facetiously informing the House of Commons—as he had informed the electors of Aylesbury—that he had sown a second crop of wild oats, and was come to another way of thinking? The right hon. Gentleman might be assured that what availed him for the nonce on the hustings would not so avail him in the ensuing Session of Parliament. The Opposition were taunted with faction; but what could be more complimentary and courteous than their proceedings? The late Opposition demanded protection, and, as a means, clamoured for dissolution. The present Opposition, giving the late Opposition credit for candour, said, "By all means have a dissolution, and without delay." The present Government said, "We don't want fair play for ourselves; we want fair play for the country." The Opposition said, "We are quite willing to give you fair play, and we insist on your giving the country fair play, and that fair play can best be given by an avowal of your political opinions, to be followed by an immediate dissolution of the present Parliament, for which, when in opposition you clamoured, and which now in office you dread."

The Earl of MARCH said, that the speech of the hon. Member who opened the present discussion, reminded him of the lawyer, who, having a bad cause to defend, was told to abuse the plaintiff's attorney. He had heard every word that fell from the hon. Member, and he appealed to the Committee to say if there could be found a particle of argument in the whole of his discourse? So the hon. Member, being manifestly unprovided with arguments of any sort in favour of his views, had resorted to a series of abuse of every member of the Government, with the sole exception of the right hon. Chancellor of the Exchequer, whose brilliant talents neither the hon. Gentleman nor any one else could call in question. It appeared to him (the Earl of March) that the tone of hon. Members on the other side of the House was by no means so candid as they would have it supposed. They were evidently not a little disappointed at the unanimity of feeling which united all the Members on the Ministerial side of the House, and they consequently took every opportunity of throwing a firebrand into their ranks; but he would inform the Opposition that it would require more exertion and talents than they possessed to produce any effect on the strength, stability, and firmness of the Ministerial ranks. With reference to the hon. Member for Marylebone, who had just spoken, he had a piece of advice to offer him—which was, not to talk of the matters and properties of individuals without having first made himself perfectly acquainted with the facts which he stated. The hon. Baronet stated that the Duke of Richmond had suffered no diminution of his rents in consequence of the policy of the late Sir Robert Peel. He would not be dragged into a Corn Law debate on this altogether inopportune occasion; but he begged to inform the hon. Baronet that his noble relative's rent-roll had diminished, not only in the south of England, but in the north of Scotland. In answer to the question which the hon. Member had put in the earlier part of his speech, he (the Earl of March), as being neither a member of the Government, nor a disappointed candidate for office, would beg to answer it. The hon. Member had asked what a Protectionist was? His (Lord March's) definition—and he believed it would be heartily responded to by the farmers throughout the Kingdom—was, that a Protectionist was a warm and cordial supporter of that Government of which the Earl of Derby was at the head. The hon. Baronet at one moment quarrelled with the right hon. Chancellor of the Exchequer for not bringing forward a strong measure in opposition to free trade, and in the next moment with the Earl of Derby, for having made a calm and temperate speech on the subject; but the hon. Baronet's objurgations would not influence the Protectionist party, who supported the Earl of Derby's Administration because it was one which would uphold the dignity of the Crown, and promote the welfare of all classes of Her Majesty's subjects.

MR. COBDEN: Sir, the definition of a Protectionist which we have just heard from the noble Lord the Member for West Sussex is something new; and I think whatever may be the opinion in this House, there will be no difference of opinion in the country as to what has been the interpretation and what has hitherto been the meaning put upon the term "protection." At all events the noble Lord will allow the House to make use of the definition that he has given us, and to convert the name of the Earl of Derby into that of a Protectionist. Now, we are bound to consider that we are dealing with a Protectionist Government, and that saves me a great deal of argument, because we have it avowed by one who is so eminent, and who is so nearly connected with a nobleman who is a distinguished leader and champion of protection—we have it, I say, avowed by the noble Lord who has just sat down, that we are dealing with a Protectionist Government. Now, that is my case. We have a proposition from a Protectionist Government in the House of Commons that we should show a mark of our confidence in them by voting the supplies of the year for the Army. Now, it is an old constitutional rule, and, in fact, it is an indisputable rule in all representative countries, that the majority of the House of Commons, or the representative body, should govern the country. I ask the noble Lord then, who comes here in the name of a Protectionist Government to ask a Free-trade Parliament to grant a mark of their confidence by voting the Supplies, whether he will deny that we are transgressing the rule by which our proceedings ought to be regulated, or whether, at all events, will he say that this House is not justified in pausing before it accedes to the demand that has been made to it? But Her Majesty's Government is in direct antagonism to the large majority in this House, and not merely in the number of members, for while we have a numerical majority in this House, we have also an overwhelming majority out of doors, in the number of those who sent us here. This debate has been opened by an hon. Member for the metropolitan county (Mr. B. Osborne)—a county not only one of the most populous, but infinitely the most wealthy in the United Kingdom. It has been sustained by the hon. Baronet the Member for Marylebone (Mr. B. Hall), representing a most important constituency in this metropolis. I also appear here to support that proposition, representing the vast constituency of the West Riding of Yorkshire, fully sustained by the population of that district, and representing here a body of constituents whose number is, I believe, as large as the whole of the constituencies of all the Members of Her Majesty's Government. I am sitting by the side of the Member for South Lancashire (Mr. W. Brown) who will support the same proposition; and I shall be sustained, I am certain, by the hon. Members for Manchester, Glasgow, and the Members of other large constituencies. Therefore you are placed here not only as a numerical minority, but, tested by those whom you represent, whether as regards numbers, or wealth, or intelligence, you are an insignificant minority, asking for the confidence of this House. And if protection were merely one of the questions which are at issue between this side of the House and that—if it were a question raised for the moment, of which we had heard but little lately, and which could not be called the most prominent test of the character of the two sides of this House—I might say, why, test the confidence of the House by simply referring to the question of protection. But let me call the attention of the Committee to the fact that this great controversy has been dividing the country for nearly fourteen years. It is nearly fourteen years since the great assembly was held at Manchester, preliminary to the formation of the Anti-Corn-Law League. You had then seven years' discussion of the question which absorbed the attention of the country, and since the settlement you have had nearly five years more, during which it has been occasionally revived. Why, I appeal to your own candour, and you will not deny it, that the very origin of the party opposite is protection. Your foundations were laid in protection, they were cemented in protection, and you stand, as a party, solely as a Protectionist party. You will not dispute what I say, that we have hon. Members sitting on this side of the House who are opposed to you as Protectionists, but who, whether they be considered as friends of the Church, as friends of the monarchy, or as friends of aristocratical institutions, are as good Conservatives as you are. We have Members who may claim to hold as high conservative principles as yourselves. Take, for instance, the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) and the right hon. Gentleman the Member for the University of Cambridge (Mr. Goulburn). Will any one dispute that they are entitled to speak in this House, and in the country, as friends of the Church, the monarchy, or the aristocracy? I mention this fact, that there may be no dispute—that you may be sure to stand here as Protectionists, and as Protectionists only, and therefore I cannot allow you to come forward and say, "There are questions about Chancery reform and other matters which we are prepared to undertake, and which we are as competent to deal with as you are or can ever be." I wish to ask hon. Gentlemen opposite what is the course that is to be now adopted? I wish to ask the right hon. Chancellor of the Exchequer to tell the Committee what course Her Majesty's Government is about to take. I hold that it is to be the majority of this House which is to be the test; and I ask, if we are to allow the minority to govern the House of Commons, what will it lead this House to? In the first place, on the same principle, why you may have a dictator governing this House. I appeal to the majority to vindicate itself, and to make itself felt in the policy which we have to pursue on this occasion, when we are called on to assert our rights. I appeal, therefore, to the majority of this House to vindicate itself, and make itself felt on the proposal to vote a sum of money for military purposes. The Vote for the Army is the question on which we should vindicate ourselves; and I will, therefore, not deal with the question immediately before us. I say, let the men be voted, get your Mutiny Act passed; but when we come to vote the money, let the majority of this House give a clear and unmistakeable proof of its recognition of the representative principle, by exercising in a constitutional way the right reserved to them of controlling the public purse. Well, I shall probably be asked—Why do you call on the Government to dissolve Parliament now? Where is the indication that the country demands a dissolution? I appeal to what is going on throughout the country to show that there is no difference of opinion out of doors as to the course which the majority in this House ought to pursue. Why, from one end of the country to the other, the constituencies of this Empire are in the heat and excitement of an election contest at this moment. You cannot take up a daily newspaper but you find two columns of it at least occupied with the accounts of election proceedings. And these proceedings are not confined to this side of the House. Why, the hon. Member for Herefordshire (Mr. Booker), who came into this House to decide this question, and has spoken on almost every other subject but it—has issued his address to his constituents; and the hon. and gallant Member for Lincoln (Colonel Sibthorp) has also put forth a declaration in favour of protectionist principles. The country, then, I say, is in the midst of an election contest, because the instinct of the country knows that the majority of this House can deal with this question, and it is not favourable to our going on voting money and proceeding with legislation while the Government is in a minority. And this brings me to another reason why we should dissolve as soon as possible. You cannot carry on the business of the country—it is impossible that you can—while the Government is in a minority. Right hon. Gentlemen on the Treasury bench, when appealed to on important questions, have declared themselves that they cannot deal with these questions by reason of their being in a minority. The same sentiment also pervades the whole House. We have had Select Committees named on vital questions—questions of education and other subjects; and I ask hon. Members do any of us enter on these Committees, are our names given in to these Committees with the least idea that we can bring them to any satisfactory conclusion this Session? Does anybody doubt that in two or three months, by an absolute necessity, the proceedings of this House must be brought to a close? And, under these circumstances, seeing that everybody out of doors is preparing for an election, and seeing that this House can carry on no business satisfactorily, I say we are bound to bring this Parliament to a close by the constitutional means placed in our power. And I ask this decision from the majority, not only because the Government has declared itself protectionist on the principle of reimposing duties on corn, but because, even in the evasive course which the Government are taking with the view of escaping the direct question of protection, they are still placing themselves on the ground of as great antagonism to the free-traders as they occupied before. For what has the right hon. Chancellor of the Exchequer been saying? He has avowedly been preparing, with the assent of his friends behind, to evade the question of protection—that is, the levying of the import duties; but he tells us, "I only change my ground; I still propose to give you, the agriculturists of this country, an indemnity for the loss of protection; I intend to give you redress in another form;" and then he shadows out a plan by which he means to transfer the taxes now borne by the agricultural classes to the shoulders of those who don't happen to be in possession of land. I ask the right hon. Gentleman whether, in taking up that new ground, he is not still keeping himself in the same antagonism with those who have been his opponents on this question? I ask what is to be done with the Anti-Corn-Law League? If he has only shifted his ground, he will have to fight the same battle with the League that we once fought before. What will he do with the League if he says it has only compelled him to take his hand out of one of our pockets, in order that he may put it into another? Why, the right hon. Gentleman is doing his best to perpetuate that strife which he professes to be so anxious to allay, and to maintain in the country that agitation which I had hoped was completely put an end to. I tell the right hon. Gentleman with regard to his proposition for indemnifying the agriculturists for the loss of protection, that when we enter into that controversy I shall be as willing as he is to consider the claims of the landlords or the claims of the farmers to relief from taxation in any general remissions that we may have consequent on a surplus of revenue. I am as willing as he is to see justice done to the farmers or to the landlords, as well as to the manufacturers or traders; but when he professes to shift the burdens of the agriculturist to any other class, then, I say, he meets the free-traders on the same ground as before, and he has not taken one step to get rid of this great struggle. And I tell him that I will meet him on the very threshold of his controversy by asking, in the first place, whose taxation it is that is to be remitted; and if it is the landlords, I ask how will you relieve the farmers by lightening the burdens of the landlord? And, again, he must show me that the landowners generally are sufferers by the free-trade policy. The noble Lord opposite (the Earl of March) has met that question by referring to the case of a relative of his own—

The EARL of MARCH: I beg the hon. Gentleman's pardon. I answered the statement made by the hon. Baronet the Member for Marylebone (Sir B. Hall), and which statement was not correct.

MR. COBDEN: Just so; it is the assertion of the incorrectness of the hon. Baronet's statement that I mean to deal with. The noble Lord, in speaking for his noble relative, states that he has suffered a loss of income in consequence of our free-trade policy. Now, I was not aware of, and I did not catch the passage in the hon. Baronet's speech in which the Duke of Richmond's case was referred to. However, don't let hon. Gentleman suppose, if this question is to be raised, that it will be possible to avoid individual cases. I have had the opportunity of knowing, from being an occasional resident in his neighbourhood, and yet I have not heard that there has been a reduction in his rents; but I have heard the contrary.

The EARL of MARCH: I must apologise to the Committee for having again to interrupt the hon. Gentleman, feeling that this is a matter of a somewhat personal nature. The hon. Baronet the Member for Marylebone (Sir B. Hall) distinctly named the Duke of Richmond's estates; and I distinctly state, of my own knowledge, that the property of my noble relative in Sussex has been revalued, and that a diminution has occurred on the whole rental.

MR. COBDEN: Well, I will state exactly what I have heard in the course of my— [*Loud cries of* "Oh, oh!"] I am not going to make this a matter of reproach. I hope I have sounder views of political economy than to do that. But I have heard in the course of many opportunities of inquiring of the neighbours of the noble Duke—of the tenants residing in the immediate neighbourhood of Goodwood—that not only has there been no reduction of rents—[*Cries of* "Oh, oh!"]—I mean, when I say there has not been a reduction of rents, that that has not been applied as a rule. I heard that not only has there been no general reduction, but I heard from those who are most likely to know, that if a tenant there were to leave the Duke's estate, there would be half-a-dozen others who would come forward and take his farm at the same rental. I say, then, if the Duke of Richmond's land will let on these terms, and if, when a farmer leaves his farm on the ground that the rent is excessive, half-a-dozen others with a capital are ready to take it, that his Grace would, I think, be very incapable of managing his own affairs if he dreamt of reducing the rent of that farm. [*Cries of* "Question!"] Well, but you were not so mealy-mouthed on your (the Goverment) side of the House when the right hon. Gentleman the Member for Ripon (Sir J. Graham) was assailed by you in not very courteous language, when some one among you cried, "I should be ashamed to say that I had not reduced my rents!" When cases are repeatedly mentioned in a discussion, you will allow me to mention to the Committee what has been brought under my own knowledge. But I go farther. That noble Duke, like every other proprietor of land, derives his compensation in the reduced price of commodities in common with the rest of the community. A landed proprietor with a very large rent-roll, and with a large establishment—a large household to maintain, and a large stable to keep up—gains almost more than anybody else in the reduction in the price of bread, in the reduction in the price of sugar, and by the reduction of those rates of which we have heard such illustrations to-day, and which we know has been so general in the country. Then, I say, we shall have to go into all these figures before I acknowledge your right to take the taxes off land and place them on the shoulders of the industrious community. I only allude to this branch of the subject to show that hon. Gentlemen on the other side are merely changing their ground, and that they are again raising the same controversy which I had hoped had been settled by the grand struggle previous to 1846. On all these grounds, we are justified in refusing you our confidence as a Protectionist Government; and it is necessary that the question should be brought to a conclusion, not for the interests of the manufacturer and the merchant only, but also of the landlord and the tenant. Can it be doubted that the way in which hon. Gentlemen opposite, for the last five years, have kept up the struggle for protection, and have diverted the tenantry by false hopes and delusive expectations that they could get redress through the medium of legislation—can it be doubted that by these means they have retarded improvement and prevented the tenant from seeking a reduction of rent or some other re-adjustment to enable him to carry on his trade with a profit? Now if that has been the result of the conduct of the party who have so perseveringly and so consistently maintained their opposition to the new policy, now is the time for bringing the question to a definitive issue. It is due not only to the manufacturers, as well as to the landed interest, but to the civilised world, that this question should be permanently settled, because the way in which you have carried on this controvorsy out of doors, led on by Dukes and Earls, in the eyes of foreign countries, has made those countries really doubt whether we have permanently established the policy of free trade. And I myself have positive proof that in more than one country abroad you have suspended the operations of nations and also of Governments, in their adoption of a policy in the same direction as that devised by Sir Robert Peel; because other countries, judging not altogether erroneously from the power of the aristocracy of England, cannot believe all these threats to reverse the present policy will not be followed by some attempt to execute them. It is, I say, indispensable therefore that this question should be settled once for all—aye, or no—at the hustings of the country. I am not afraid that you will be able to divert the constituencies from the real issue. You may try to lead them aside by bringing forward other questions; but I defy you to succeed—the instinct of the country will keep the right question uppermost. And all I ask is, that the majority of this House will give the country an opportunity of coming to a decision on this subject.

MR. MILES said, he regretted the tone which had been assumed by the hon. Gentleman the Member for the West Riding (Mr. Cobden). Never had he heard such contradictions from one Gentleman to another. Never had he heard a Gentleman pursue such conduct as the hon. Member for the West Riding. But he passed it by. A Gentleman's honour—a Gentleman's word—should be respected in that House, and not be called in question, and he hoped such conduct would not be repeated. But to come to the question before the House. Was, or was not, the Queen's Government to be carried on? Were there, or were there not, some measures that it was indispensable to pass in the present Session? If so, why should a tyrannical majority be allowed to impede the wheels of Government? He, for one, was ready to appeal to the country, and to let the country judge between them, for he had no fear whatever for the issue. But, were hon. Gentleman opposite to dictate when a dissolution should take place? If so, the Government must be overturned, and the country thrown into the greatest confusion. Hon. Gentlemen said they did not understand the policy to be pursued by the present Government; but it was because they would not understand. Let them read the Earl of Derby's speech, and there they would see that his policy was lucidly laid down. The noble Earl had clearly stated that for the relief of the agricultural and other suffering classes, a duty upon corn and other commodities would afford the easiest mode of settling the question; but that he would not propose it if he should be placed in only a small majority, and in that event he would apply his mind to other measures for relieving suffering industry from the distress which now pressed upon it. The hon. Member for the West Riding had spoken of improvements in agriculture being impeded; but had he heard the speech of the right hon. Baronet the Member for Ripon (Sir J. Graham), in which he spoke of the large quantity of guano imported, and of the money laid out in farming? The hon. Gentleman (Mr. Cobden) said that their proceedings since 1846 had prevented the application of capital to the land; but fortunately they had seen this very year the balance sheet of a gentleman, a manufacturer, a landed man, entertained at the tables of the great, taken from the mechanical class, becoming himself, by what he had honestly earned, a man of capital, investing his capital in land. And what was the result? Had the hon. Member read Mr. Mechi's balance sheet, and seen that, with his high farming and scientific attainments, he had lost 637*l*, upon 180 acres of land? He would allow that the importation of guano had greatly increased; but had the right hon. Gentleman the Member for Ripon observed the decrease in the importation of oilcake—not less than 10,000 tons—in the course of the year? The fact was, that guano was used so extensively because it was the most economical manure that could be employed. What he thought the House should do was this: Let them quietly go on passing the Estimates, which he begged to remind them were not the Estimates of the present Government, but of their predecessors, and let them also pass those few other measures which the Government felt it necessary to bring forward—most of them, also, the measures of the previous Government; and then, if a dissolution did not take place, let the House exercise the right which a majority always properly exercised when the Administration was in a minority, and take steps to hasten that dissolution which they so much required. As to the result of that appeal to the country, he, for one, was not afraid. When he looked at the present state of the nation, when he considered how very little excitement was occasioned by the going out of the former Administration, and the coming in of the present Government, he felt assured the country would accept the Earl of Derby's explanation of his policy, and would determine to support a Minister who would do justice to all classes of the community, who would uphold the constitution, and who, while he would not hesitate to bring forward new measures when he thought them necessary, would resist all ill-timed and reckless legislation.

Mr. CARDWELL: Sir, if I am so fortunate as to obtain for a brief period the attention of the Committee, I promise them that I will not willingly let fall a single word which can have the remotest tendency to perpetuate that heat which appeared, a few minutes ago, likely to disturb this debate. Sir, I believe there never was an occasion when calmness and deliberate reflection were more urgently demanded from those who take part in this discussion. I believe that we are called upon now to settle two of the most important questions on which the liberties and the happiness of a free people can depend. For, Sir, why is it that this favoured country has during the last few years enjoyed unexampled peace and prosperity? Is it not from that balance of our free constitution which, by the observance on the part of the Crown, and on the part of Parliament, of certain definite rules and certain established precedents, maintains that equipoise of freedom, securing on the one hand the sovereignty and permanence of the Throne, and the rights and liberties of the people on the other? And, Sir, the first question that we are called on to approach in this discussion is, what are the privileges, and, correlatively with these privileges, what are the duties of this House and of Parliament? Sir, we now see before us a number of Gentlemen—for whom I entertain great respect, and many of whom I have the happiness of reckoning among my personal friends—the Members of the Queen's Government, under this peculiar circumstance, that, according to their own admission verbally made, and according to their own admission more than verbally made—by the withdrawal of measures in favour of which they declare that they hold conscientious opinions—they do not enjoy the confidence of this House. In this state of affairs, let me ask, what duty devolves upon us? Sir, if you will allow me, I will, in a few words, state, on authority which I believe you respect, what is the relation of the House of Commons to the Crown in such a case as the present. In the year 1841 these propositions were laid down: that the power of the Executive Government to carry their measures by a majority of the House of Commons was essential to the continuance of their existence—that when a Government found itself in a position in which it no longer possessed that power, one single alternative remained, and that alternative was to resign their offices or to dissolve the Parliament—and that if they dissolved, they must dissolve immediately, and without any greater delay than the real exigencies of the public service require. ["Hear!" *from the Treasury bench.*] Now, these propositions I am glad to hear receive so much concurrence on the other side of the House. They ought: they were laid down by no mean authority—the late Sir Robert Peel, and they had what hon. Gentlemen opposite perhaps may value more, the concurrence of all those Members of the present Cabinet, who then had the honour of sitting in this House, who testified that concurrence by following the right hon. Gentleman in the Resolution which he then moved. Nor were these propositions laid down as mere dry and abstract propositions, but the reasons of them were also alleged. It was laid down and argued before you that the well-being of the Constitution depended on the constant and uniform maintenance of its equilibrium. With reference to the doctrine that a Minister might continue to govern without a majority, the right hon. Baronet said—"So unconstitutional, so dangerous a doctrine I never heard maintained; a doctrine so discouraging to public men, so fatal to the energy of a Government, I never before heard advanced;" and then this picture was drawn of the state of constitutional government in this country if we permitted it to be violated. Sir Robert Peel said it would no doubt be easy to get Gentlemen to carry on the Executive Government of the country as respectable as any of those who sat in this House, without meeting the censure of Parliament. But he said, if they were to be satisfied with the mere discharge of their executive duties—if they did not mean to carry out by legislation the advice which they gave to the Crown, what need was there of concert among Ministers, and what were the constitutional consequences that would follow? What encouragement it would give to the House of Commons to trespass on the prerogatives of the Crown? If the Government said to the House of Commons, "We care not for your legislative measures and decisions; we will not be deterred by your refusal to give effect to our measures, but we will wait until you stop the wheels of Government by some interference with our Executive Administration:" what an encouragement would they not hold out to the popular branch of the Legislature to take improper and unconstitutional liberties with the prerogatives of the Crown! He (Mr. Cardwell) had purposely avoided quoting the precise words of the speech of Sir Robert Peel, but he begged the attention of the Committee to the following extract:—

> "If the Government say, 'We are independent of the legislative measures and decisions of this House, that which is your peculiar function we will disregard, our fate shall not depend upon your decisions, nothing but your interference with our executive administration shall influence our retention of power;' what an inducement do you not hold out to the House of Commons to interfere with the prerogative of the Crown! It is inconsistent with all usage, and inconsistent with the spirit of the constitution, that a Government should be enabled to select the measures which it thinks proper to submit to the consideration of a condemned Parliament, that it should withdraw some and submit others, that it should tell the Parliament, 'An immediate dissolution is in contemplation, but before we dissolve we will just bring forward those measures the rejection of

> which we think most likely to damage the House of Commons in the eyes of their constituents; we will propose popular votes, such, for example, as that of advancing money for the construction of railways in Ireland; we will bring forward particular measures which we are of opinion may aid the party cause of our Administration; but respecting every measure which we have hitherto described as essential to the welfare of the country—measures the principle of which has been affirmed by large majorities in Parliament, but the further discussion of which may prejudice our cause at the hustings—respecting them we will exercise our own discretion as to whether they shall be brought forward or withheld.'" [3 *Hansard,* lviii. 1225, 1229.]

That is to say, you encourage the House of Commons to trespass upon the province of the Executive Government, and you encourage the Executive Government, not upon their solemn responsibility to bring forward measures which they conscientiously believe to be necessary for the good of the country, but from their desire to concert their proceedings with a view to party operations on the hustings. If that is the conduct of the Government, what is the duty which you devolve upon the House of Commons? Do you not devolve this paramount obligation —that they, for the maintenance of the rights of the Crown, for their protection against these evil consequences, should take the first opportunity, not by factious opposition—not by a precipitate interference with the executive functions of Government, but by declaring before the country the views and principles which they are sent here to represent, and their sense of the danger of the course you propose. What is that danger? The danger that you will take by sap what you dare not venture to attempt by assault. You know that you dare not make a direct assault upon that policy which has received the approbation of the people; but because you know that you dare not venture to take it by assault, you proceed to take it by another and an easier way. My hon. Friend who has just sat down refers us to the speech delivered by the Earl of Derby, He, it seems, is satisfied with the tenor of that speech, and he plainly sees the policy which is there indicated. Well, Sir, let me congratulate my hon. Friend on his clearsightedness, for certainly many persons who have read that speech feel themselves in no degree relieved from their difficulties. But let me ask my hon. Friend to go with me into that speech which he has challenged us to read. In that speech this principle is laid down—that the policy pursued in 1842 was right, but that the policy pursued in 1846 is wrong; and that you should contrast the policy adopted—unfortunately, according to the noble Earl, adopted in 1846, with that better policy which regulates the tariff of the United States. Now let me remind you of the way in which the right hon, the Chancellor of the Exchequer and those who have acted with him, were wont to describe the American tariff; and I can assure hon. Gentlemen that the parts of the speeches to which I may refer are not selected for the purpose of invidious reference, but for the purpose of guiding us as to the views on which they intend to act. I extract from the speech of the right hon. Gentleman a passage with regard to the American tariff, when the income tax was renewed in 1848. The right hon. Gentleman then said—

> "The result of a trade carried on between a country which permits free imports and one which maintains hostile tariffs is, that the exports of the former are diminished in proportion to the amount of those tariffs."

That was to say, that the export of those countries which had established free trade diminished, but that the exports of those countries which maintained hostile tariffs would be increased. Now let me ask the right hon. Gentleman how he accounts for this—that during eight years before these changes began, there was no perceptible change in the amount of the exports of this country, but that the moment these changes began, the exports, which were then at 50,000,000*l.*, rose, and in four years sprung up to 60,000,000*l.*? This, he begged the Committee to observe was, the result of a policy in which the right hon. Gentleman opposite and the Earl of Derby agreed. But now comes the policy of 1846—that policy which they deplore—that policy which though they do not wish to reverse, yet, as the right hon. Gentleman the Home Secretary had stated, it was their intention to alter and modify. Within the last six years, from 1846, the exports have risen to 74,000,000*l.*; thus showing a more rapid increase after the introduction of the policy of free imports than they did even under that change of which the right hon. Gentleman approves. In the whole ten years—the exports not having moved at all during the previous eight years—they increased half as much again as they were before. Now what is the condition of the American exports under a tariff which contrasts so strongly with our own? I hold in my hand the opinion of the President of the United States. Now with the right hon. Gentleman, the President of the United States ought to be a very high authority; because he holds the doctrines of protection, which we are to be induced to revert to. But I do not find in the speech of the President of the United States that he is at all satisfied that it has increased the trade of the country—but the reverse; and so dissatisfied is he with it, that he proposes to change the policy, though in a still more Protectionist direction. It is not Protectionist enough for him, so he wants to get still more protection. But how much has he got already? Is the average of protection—which at present varies from 20 to 30 per cent—is that an amount which you would restore to this country, or is it that which the right hon. Gentleman will venture to propose? If the system which they have adopted be so mischievous to them, whilst yours has raised your exports in the course of ten years one-half as much again as they were before, I ask what sort of illustration is this of the canon which recommends us to adopt the United States tariff in lieu of our own? But the right hon. Gentleman has discovered that we are indebted to California; and here he finds the solution of the problem. But, Sir, the United States has some relations with California, and if the gold of California be a remedy for the ills of Great Britain, why should it not yield the same assistance to the United States? But hear what the President of the United States says—that the export of specie to liquidate their fiscal debt was 24,263,979 dollars more than the specie that was imported. Now, when bullion comes into the Bank of England, though the right hon. Gentleman says it runs through it like a sieve; yet he admits that it has saved us from a panic, and he cannot deny that there is a greater amount of bullion now in the Bank of England than ever there was before. But the same California has operated also on the United States; and what has been its operation there? I read from the speech of the Protectionist President of the United States that the exports of specie from that country, notwithstanding the influence of California, has increased in one year by the extent of nearly 25,000,000 dollars. Let me ask you this question—you are going to alter and to modify, to readjust the taxation of the country, not upon corn only, but upon other articles. In such a mysterious state do you leave the question, that it becomes necessary that we should extract by evidence, if we can, what articles you mean to place under taxation; and as there is nobody whose precedent you are more likely to follow than that of the late Lord George Bentinck, whose loss in these discussions we all most sincerely deplore, I refer you to a budget which Lord George Bentinck brought forward on the last occasion when the income tax was renewed. Let me ask the House whether they are prepared to alter or to modify the policy which was adopted in 1846, and to replace it by such a budget as this? Corn, according to the noble Lord, was to produce 850,000*l.*, if not double. Timber was to produce 700,000*l.* Now that the Navigation Laws are irrevocably repealed, and that the shipowners and shipbuilders are therefore justly desirous to be exempted from every possible impediment, are we going to impose a duty of 700,000*l.*, which is to be levied on timber. Cotton was to produce a revenue of 650,000*l.* [*Laughter.*] Lord George Bentinck dated the decline of our cotton manufactures from the removal of the duty on cotton, and he used this remarkable expression—"A tax upon cotton would be the cheapest you could impose; and you would be taking a lesson out of the books of the United States." Well, let us take that lesson. I will not fatigue you with statistics, but I ask you to take a lesson out of the books of the United States. They produce the raw material, which is brought here to be made into garments, and then re-exported to the markets of the world. Now who so naturally to compete with us, and with whom in every honourable rivalry, whether in politics or in commerce, are we so desirous to hold our own, as the United States? Let us ask you, then, to ponder over this fact. In the first year of which I have the particulars, the year 1839-40, their consumption of raw cotton amounted to 300,000 bales; and it rose continuously till it amounted to 531,000 bales eight years afterwards. What happened then? You removed the duty on cotton imported into Great Britain in 1845; in 1846 the other alterations were made in our tariff. During all previous years there was a constant increasing consumption of raw cotton in the United States; but after that change the decline immediately began—every successive year since that experiment the decline has continued—that decline has been progressive; and in the last year their consumption has gone down to 404,000 bales, and the manufacturers of Great

Britain supplant the manufacturers of the United States. Now, I say, take a leaf out of the book of the United States, and don't let there be any alteration, or modification, or readjustment of that tariff which would cause a decline in our manufactures. Let me ask you again to apply the same principle in another point of view. Your desire is to give encouragement to the British labourer, and you say, "We will make the foreigner pay." I have shown you that by the policy which is now established, you have employed half as much again labour as you did before for the export trade, and have made the foreigner pay. I say let us encourage industry, not in the way that the United States has adopted, but in the way which is already inaugurated in this country, and which you now seek to reverse. If I might address the right hon. the Chancellor of the Exchequer, I would say one word to him, and draw his attention to this fact. He approves of the policy of 1842—he disapproves of the policy of 1846. The effect of the policy of 1842 was this, that you were enabled to remove taxes which pressed upon the people to the extent of 2,000,000*l*., and having removed them chiefly from the Customs and Excise in 1845, those branches of the revenue produced as much as they had done before. What did the tariff of 1846 do? It enabled you to take off taxes to the extent of 7,000,000*l*. or 8,000,000*l*. more, and still it left the Customs and Excise—I am speaking in round numbers—where it found them. I appeal, then, to the financial administration of the country not to reverse that policy, but to adhere to a policy which employs British industry, which makes the foreigner pay, which diminishes the burdens levied on the people, without diminishing their produce in the Exchequer. I say we, the Members of the House of Commons, are bound to take care that all shall be clear and explicit upon this point, and that there shall be no mystification whatever. Might I ask the attention of the Committee, I think there is an interesting matter of history which particularly deserves their notice. At the close of his immortal work, having exhausted the subjects to which he referred, Adam Smith described a scheme of finance, which, however, from the opposition it would encounter, could only, he said, be regarded as Utopian. He went on to say that there were so many powerful interests arrayed in opposition to this scheme, that it would be very difficult to surmount the obstacles which would be created against its adoption. He then proceeded to explain what his scheme of finance was. It comprehended a readjustment of Customs and Excise duties, confining them to a few great articles of luxury and very general consumption, as sugar, rum, and tobacco, and a more equal tax upon the rent of houses. Then Adam Smith went on to state what the effect would be of his scheme, and to this I implore the attention of the Committee:—

> "The debt would be diminished, and in the meantime the people might be relieved from some of the most burdensome taxes—from those which are imposed upon the necessaries of life or upon the materials of manufacture. The labouring poor would thus be enabled to live better, to work cheaper, and to send their goods cheaper to market. The cheapness of their goods would increase the demand for them, and, consequently, for the labour of those who produced them. This increase in the demand for labour would both increase the numbers and improve the circumstances of the labouring poor. Their consumption would increase, and, together with it, the revenue arising from all those articles of their consumption on which the taxes might be allowed to remain."

Now, I must be allowed to remind the House of Commons that the Utopia of Adam Smith was the accomplished fact of Sir Robert Peel, and what the Ministry wanted to alter and remove was what Adam Smith wished to see accomplished. Had the debt been diminished, as was prophesied? The interest of the debt, which in 1832 was 29,500,000*l*., was now 28,000,000*l*., besides a reduction of 625,000*l*. more, to take effect in 1854. Had the consumption of the people been increased? Need I remind the Committee of that? In cocoa, currants, sugar, and tea, the consumption had gone on increasing—in tea from 36,681,000lbs. in 1841, and the others proportionately; 1851, to 53,965,000 lbs.; while, at the same time, there was a large surplus in the Exchequer. I venture now to close the case which I have endeavoured feebly to bring before the Committee. I have not invidiously recurred to former speeches. I have simply recurred to the arguments and propositions you have held in former years, which you have never disavowed; and when my hon. Friend (Mr. Miles) challenges me to read the last speech of the Earl of Derby, and expresses his unshaken confidence that the result of the next election will be to reverse that policy, I have only to reply that we shall not allow you to take by sap what you dare not openly assail; and if in the exercise of our constitutional rights we respectfully—not factiously—not with bitter language, but throwing into our argument all the force that we are able to command—if we call upon you, for the sake of the country and for the sake of yourselves, to give fair play to the country—to state your views, to disguise nothing, to proclaim everything—I hope that in all this we are guilty of no improper, no factious course. I accept the truth of the proposition, that faction—if it be faction—will redound to your advantage and recoil upon us; and I, earnestly advocating the policy which now exists—I desire to give you no such advantage; but I believe we should be dumb watchers—faithless guardians of the public trust confided to us, and justly reprehensible for sacrificing the well-being of our constituents, if we did not insist explicitly on that principle which I laid down at the outset, which is the constitutional guarantee not only for the liberties of the country, but also for the security of the Throne.

Mr. CAYLEY: Sir, my wish will be to avoid raising a tone of exasperation on either side. I will be no party to the causing a war of classes in this country; and I cannot but think that one grievance of the Opposition, especially of the hon. Member for the West Riding (Mr. Cobden), is, that the Ministerial side of the House does not respond to the invitation he has thrown out to excite such a contest. Sir, as to the hon. Member for Liverpool (Mr. Cardwell), I always observe that he speaks with great exultation of the effects of the policy of the late Sir Robert Peel on the finances of the country, as if on no previous occasion there had been a "spring" in the revenue after recovery from stagnation. Why, under similar circumstances, there never was an occasion when such a "spring" did not take place. In every instance since the war the same effects have been produced. It was so in 1817–18, it was so in 1824–25, it was so in 1835–36, and so again after the commercial stagnation of 1840–41. There came a "spring" after 1842, and the same increase of the revenue. But what I remark is, that there is not now so general a "spring" as took place in previous years. The export trade, it is said, has increased; but the increase of exports is not necessarily accompanied by an increase of prosperity. Will you affirm that the returns are identical with the increase? Sir, I do not deny that the people have food cheaper, and that free trade has benefited the working classes to the extent that their wages have remained the same. But did you mean that they should have that benefit? No. Your early argument for free trade was, that you had to compete with the foreigner, and could not do so on your present scale of wages. ["No, no!" *and loud cries of* "Hear, hear!"] You contend—those of you who were most honest—that you wanted to repeal the Corn Laws in order to reduce the prices of food, and thus to have an excuse for lowering wages. [*Loud cries of* "Hear, hear!" *and* "No, no!"] Some Gentlemen say "No." But, I repeat, the more honest of your party did not pretend to conceal it. We always contended that the effect of the alteration would not be favourable to the working classes, because we said you would diminish the home trade in the proportion in which you increased the foreign trade. Has it not been so? We did not, indeed, anticipate the famine in Ireland, nor what has taken place to derange the labour market. Neither did you; and therefore, if we were false prophets as to that, so were you. I do not deny that temporarily the working classes are benefited, and if the benefit be permanent, I shall be the last man to wish to disturb the present policy; but it appears to me that you have always endeavoured to raise a false issue on this question. You are not content to argue it on its merits. You say we are anxious to give the people a small supply of food. We have always denied this—our object has not been to starve the people. It is said that we want to give them less food. We have never considered that food was the first necessary, but employment. Yes, our great object was to give employment to the people, and thence arose the principle of protection. If you can show us any probability that the working classes of the country, without that constant stream of emigration which is now going on, are likely to receive under your system a greater amount of food and of employment than under the protective system, I shall bow with deference to your decision, for I want nothing but justice to the working classes. I have never put the question on any other issue. No one ever heard me say I wanted to keep up rents. On the contrary, I have often said, "Your system protects monied incomes and rents of large landowners against the working classes and against the farmers." And you are now doing so. You are protecting rents against the persons who pay the rents. The parties benefited in the end are not the working classes. The parties who really profit are the rich—the rich landowner, the rich capitalist, and temporarily, perhaps, a portion of the working classes. But how stands it with the bulk of the employers of labour? With the farmer for instance? He has been getting little or no return. Or with the shopkeepers as a body? or with the merchant? He also is getting no return. ["Oh, oh!" *from the Opposition.*] I challenge any one to contradict this. Why, last year, the Member for Manchester said that for three or four years past there had been no profits on manufactures. The manufacturers, during the last few years, have made small profits on the home trade, and losses on the foreign. On the first day of the Session I meet a Lancashire Member, the shrewdest perhaps among them, and said, "How of free trade?" He answered, "Every one is losing." I inquired, "Why then vote for free trade?" He said he could not help it; but Lancashire would vote against free trade, if it voted by ballot. Now, let it not be said I am arguing for a recurrence to protection such as it existed before 1846. No; I argue for no such thing. I have since then never asked for protection; indeed, I have always said we must exhaust every other means before we ask it. And in that I have gone *pari passu* with the right hon. Member for Bucks, though it was then said by you to the farmers, "Your leaders are leaving you in the lurch about protection!" The truth is, you Manchester Gentlemen wish the Government to declare definitively that policy. But you already have declared it for them; and your real grievance, I suspect, is, that they do not so declare for protection as to give you a decent ground of quarrel. The hon. Member for the West Riding, in short, says to you, "I will make you Protectionists. If you ask for a restoration of protection, I resist you. If you ask for a revision of taxation, I oppose you. Whether you are for the one or the other, I quarrel with you." In fact, what the hon. Member wants is a quarrel. Sir, for my own part, I have never concurred entirely with either party in this House, and have ever preferred my country to party: but looking at the question in the most unprejudiced way I can, I do not think it fair to compel Lord Derby's Government to make a more explicit declaration than they have made already. If any one have a right to ask them for it, those who think with me are much more entitled to it than Gentlemen opposite. The farmers of England are the parties interested. And if they choose to confide in the noble Lord at the head of the Government, what is that to you? Surely the farmers of England know their friends from their enemies. You want to narrow the issue to one point. That, no doubt, is convenient to you. You think that the country will not return a Government as protectionist, and you want the Ministry to pursue that precise course. They will not take your advice. You had the game in your own hands for five years, and now you want to play the cards of your opponent. Why, instead of their being limited to one course, they have four courses open to them. They have complete free trade—which we have never had yet. They have next complete reciprocity; and that we have not yet had. They have, thirdly, complete protection; and they have, fourthly, complete revision of taxation. All or any of these courses, coupled with a proper monetary system, might be good. It is competent for them to pursue any of these; and for my part I hope they will select protection last of all instead of first—and that they will exhaust every other means before they resort to it—and before they respond to the invitations of the hon. Member for the West Riding. Many things would be more beneficial than a 5*s.* duty on wheat. But whichever mode of relief to suffering agriculture Lord Derby selects as a substitute for protection, it must be a real and decided course. The condition of the farmers will bear no longer trifling with. Sir, the hon. Member for Liverpool should have conferred with his Friend the right hon. Baronet the Member for Ripon before he spoke, for I well recollect that before the results of free trade were considered so certain as they seem now to be thought by him, the right hon. Baronet would sometimes say, rubbing his hands, 'Well, California will set us all right!" And I am not quite sure that part of his opposition to the Earl of Derby's Government does not arise from an idea that he may come in for the benefit of California. Sir, with respect to the question of dissolution, the noble Lord lately at the head of the Government said this was not a fit time for it. And if that were the case when the noble Lord was at the head of the Administration, and Lord Derby, having now the same responsibility, says so too, surely the Government which had the same responsibility should have the same discretion with their predecessors. Sir, I am not willing to deny to Lord Derby that discretion—especially as I see that he does not propose to introduce any new measures, but merely to carry on measures which the late Administration had proposed. And, when I consider the time of the year, and the interruption to trade entailed by a premature dissolution, and take the state of Europe into consideration—fully appreciating the arguments of the hon. Member for Liverpool as to the Constitution, and thanking Providence for the blessings we enjoy under it—and fully acknowledging that the majority of this House substantially governs the country, I think, for the few short months of the summer during which Lord Derby proposes to carry on measures you have approved of—with at least equal vigour, I cannot see—unless you have some ulterior motive—why you should not be content. If you say, as used to be said—more last Session, however, than this—that he has not a Government competent for office, well, then, you cannot do better than "give them rope enough." Are you quite sure, however, that your principles of free trade are true?—or that the people appreciate them. Then why not give three or four months' trial to the new Government, and test them a little longer. If you have confidence in truth, why shrink from letting truth and error go side by side for so short a period? A little more experience, both of the Government and of free trade, would be more satisfactory for the country before a dissolution. It seems you are afraid of this. Sir, I am convinced that there has been a reaction—and on both sides of the question. The farmers are less anxious for extreme protection, and large bodies of quondam free-traders are less anxious for your free trade. It would have been more satisfactory, perhaps, that the dissolution should have been deferred until next year; but, at all events, we shall be as competent to judge in June or July as we are now. Under these circumstances, I cannot withhold from the Government my confidence, so far as to enable them to pass (within the limit they have themselves prescribed) such measures as they and you both consider necessary. The noble Lord lately at the head of the Government, chose his own time for dissolving his Administration; and I think it is fair to give his successor his choice of the time for dissolving Parliament.

Lord JOHN RUSSELL said: The hon. Member who has just sat down has taken a course which was certainly unexpected by me; not that I think it was inconsistent with his former conduct in this House, for from him I cannot expect any course but that which is honourable. At the same time, while he had some consolation from the existence of the present Ministry with regard to the burdens on land and with regard to protection, I am afraid that he must not indulge much hope from that influx of paper money which he thinks is so desirable: because the right hon. Gentleman the Chancellor of the Exchequer said the other day at the hustings that "if the Gentleman expects a great influx of paper money, I am afraid that he will be disappointed." Therefore, my hon. Friend must not expect his theories to be carried into effect by the present Ministers. I think we have upon this occasion very great and important questions to consider. We have especially two questions: one the question of the Constitution, and another the question of the commercial policy which has been pursued from 1842 to the present time. Now, Sir, with respect to the constitutional question, upon which I think that much misapprehension has existed, and certainly much accusation has been brought against me, which I think totally undeserved, I will state what occurs to me upon that subject. It appeared to me that the course of the present Ministers was one that was perfectly clear, and one which I own that I am surprised that they did not adopt. The late Ministers having resigned their situations into the hands of Her Majesty, it appeared to me, when Her Majesty asked me to whom she should have recourse (though I was not positively bound to name my successor), that the Earl of Derby was at the head of the greatest party in the House of Commons, and that he was the most likely person to be able to find support in this House, and that it was but consonant with my duty to recommend Her Majesty to send for the Earl of Derby. The Earl of Derby, as I expected, accepted and executed the commission which Her Majesty gave him. The position of the new Ministers was one perfectly regular, Parliamentary, and constitutional. They had nothing to do but to take their seats in this House and to appear in this House as invested with the confidence of the Crown? But what was their next step?

They differed, as they have always told us, from that part of our commercial policy which has been adopted and pursued since 1846. Now, under these circumstances, the most natural and the most easy course for them to adopt was to maintain the existing House of Commons, and to propose such measures as they deemed necessary to that House of Commons. That was the course which Earl Grey took in 1830; and I at that time—as the organ of Earl Grey's Government—proposed the Reform Bill to a House of Commons which had been elected while the Duke of Wellington was Minister. I have taken a similar course myself in 1846. I then proposed to a House of Commons, in which Sir Robert Peel had at the beginning of that year a very considerable majority, an immediate alteration in the Sugar Duties; and I carried on the business of the Executive during that and the succeeding Session of Parliament with that House. But that was not the course which the new Ministry chose to take. There was another course, attended no doubt with public inconvenience, attended unquestionably with some disadvantage to the country, but it was still a perfectly constitutional course, and one which was open to them. It was, as the right hon. Secretary of State for the Colonies had declared, that, "without wishing to reverse, alter, or modify the measures which have been carried by the Parliament by which they were adopted," they should be prepared as soon as public business would admit to dissolve the present Parliament, and to submit to the new Parliament the measures which they thought were conducive to the welfare of the country. With respect to that course not a word of objection was made. I, Sir, for my own part, if they had taken one course or the other, should have been perfectly satisfied to wait until these measures were proposed, to consider them, and to see whether they were such measures as I could support. But they took a course which I will venture to say has no precedent in the history of this country since the Constitution was established, and for which no justification whatever in the maxims and rules of that Constitution— ["Oh, oh!" *from the Ministerial benches.*] Well, hon. Gentlemen dissent from me; may I be permitted to state my arguments? The right hon. Gentleman the Secretary of State for the Home Department, who stated this matter very fairly on his side the other night, said that the precedent of 1784 was not applicable to this case. Now if the right hon. Gentleman means that it is totally inapplicable to the present case, I entirely agree with him. The question then was totally different. Mr. Fox and his party had been dismissed by the Crown, and they said—and said most truly, and argued according to that conviction—that the Ministers of the Crown should have the confidence of the House of Commons, and that so long as they were in a minority, the Ministry had no constitutional position in this House. But they said something further than that; they said that the existing House of Commons should be maintained; and there, I think, they fell into a error, for Mr. Pitt, while he did not deny that it was necessary that the Ministers of the Crown should have the confidence of the House of Commons, urged this further plea, that the Crown could not be bound, for any considerable time, to refuse to dissolve the House of Commons; that although that assurance might be given for a short time, yet that the Crown was not to be precluded from using the prerogative of dissolution, and of appealing to the people at large to elect a new House of Commons. While I think that Mr. Fox was perfectly right in the first part of the argument, I think Mr. Pitt was perfectly justified in the second. That precedent has been the rule of the Constitution from that time. But the House of Commons will see that the assertion of neither one side nor the other has the smallest bearing on the present case. We do not pretend, certainly, that the Crown has no right to dissolve Parliament, in order to attain, if possible, a majority in support of the views of the present Ministers. It is not contended, on the other hand, that it is not necessary that the Ministers should possess the confidence of this House. Well, I do not know that there is any other precedent which can apply at all to the present case. In 1831, when Earl Grey's Government were defeated in the House of Commons, they immediately dissolved the Parliament. In 1835, it is true that the late Sir Robert Peel for some time maintained his situation, although he was in repeated minorities; but I believe that Sir Robert Peel felt as strongly as it was possible to feel that was a position which could not be long maintained—that it was a situation at variance with the rules of the Constitution—and that, as he had already advised the exercise of the prerogative of dissolution, it would be incumbent upon him rather to retire than to continue that contest. Well, then, what is the position of the present Ministry? It is to take neither one course nor the other; neither to go on with the present House of Commons, and to submit their measures to them as Earl Grey had done in 1831, and I had done in 1846; nor to advise the Crown to dissolve the Parliament as soon as the public business will admit. But the proposal was, and I own I read with great astonishment such a statement of the intention of the noble Lord at the head of the Government, that the whole of the Session should go on the assumption that the Government were in a minority in this House, and that some time six or eight months hence, it may be in the month of November or perhaps in the month of December, that Parliament may be dissolved, and that the Government, without the confidence of the House of Commons, might thus meet the House in February—just eleven months after that Government had taken office. Now, Sir, I hold that to be a position perfectly unconstitutional. That there must be some time—some weeks—elapse in the constitution of a new Government which is in a minority before a dissolution can take place, is perfectly true. But I believe that no precedent will be found of a Government which declared—which made it their avowal—which stated it as an acknowledged fact—as the right hon. Gentleman the Secretary of State for the Home Department said—that they are in a minority, and yet that they will continue to govern the country for eleven months, that is, for nearly a whole year, without ascertaining whether they can possess the confidence of the House of Commons. That, Sir, is the position to which I objected. Every person to whom I spoke said to me—"This is a position perfectly new, what is to be done we know not, but it is evident that the rules of the Constitution are set at defiance; it is evident that the present Ministers do not regard any of the precedents which exist, or any of those ordinary rules to which former Ministers have submitted." Then, as I consider that course to be so perfectly new, I had to reflect what course it became incumbent upon me to pursue. As I have already said, had there been no extraordinary course taken, I should have been ready to wait until the measures of the new Ministry were proposed to this House. One of the first things which occurred was, that my hon. Friend the Member for Wolverhampton (Mr. C. Villiers) came to consult me with respect to a notice of Motion which he proposed to give. I dissuaded him from giving that notice, thinking it unadvisable to interfere with the Ministers before he had some explanation of their intentions; but I did do that which it appears is imputed as a great crime to me, who really am, after all, an inhabitant in a free country. It is imputed as a great crime to me that I asked to come to my house those political friends with whom I had been in the habit of acting. Now this is the more extraordinary language, because this accusation, as I am told, comes from the Earl of Derby. I had been continually in the habit of seeing, during the past year and during the present Session, notices in the newspapers such as this—"Yesterday about 100 Members of the House of Commons assembled at the house of the Earl of Derby, where they heard an eloquent speech from the noble Earl." Why, Sir, one of the last things I saw before I left office was, that the noble Earl had assembled a number of Members of the House of Commons, no doubt of his own political opinions, at his own house, and there he, a Peer, prescribed to them what course they should take with respect to the representation of the people in the Commons' House of Parliament. I made no complaint of that, because, although it was perhaps a little extraordinary—although perhaps it never quite happened before that a Peer of Parliament took such a step—I am for all kinds of free discussion and free communication on political matters, and I never should have dreamt of complaining of that. But it seems it is a great crime in me—something like a conspiracy, or a compact. or an attempt at revolution—to ask to my own house those political friends with whom I have been accustomed to act and who have been accustomed for the last five years to come to Downing-street to consult with me when I had any communication to make to them on political subjects. I asked the Gentleman to whom I entrusted the commission to summon those political friends of mine, whether any person had been summoned to that meeting who had not been summoned to Downing-street since the election in 1847; and he told me that not a single person had been summoned who had not been summoned to all those meetings in Downing-street. Therefore it was a political meeting of those Gentlemen with whom I had been accustomed to act. But, then they are called by the name of "an alliance." Why, I have already said there were no Gentlemen present who had not been previously summoned to meetings in Downing-street. There was but one person who had never been summoned with whom I consulted previous to that meeting taking place; that was my right hon. Friend the Member for Ripon (Sir J. Graham), whom I think I was perfectly justified in consulting. For what had been my course with respect to that right hon. Gentleman? On the misfortune occurring to the Government and to his friends, of the death of Lord Auckland, I asked my right hon. Friend the Member for Ripon (Sir J. Graham) to accept the post of First Lord of the Admiralty. He declined, for reasons into which it is not necessary to enter, to accept that office, but at the same time he accompanied his refusal with many expressions of personal regard to me, and a general expression of agreement with respect to our commercial policy, and to many other political subjects. More than once I asked my right hon. Friend to join the Government of which I was at the head. He certainly declined, on those occasions, to join it, but at the same time with renewed expressions of the same kind. I should likewise say that I had frequently, on matters of public import, informed my right hon. Friend what was the course which I proposed to take, and I had communicated to him as to what was about to take place with respect to our political measures. So that in fact, that I should consult my right hon. Friend with respect to the great question of commercial policy, with respect more particularly to the question in which he, as a Colleague of Sir Robert Peel, had taken very great part, was neither unnatural, nor will I admit that it was dishonourable either to him or to myself. Well, Sir, as it was natural, at that meeting those Gentlemen took part who had been the most prominent in the discussions with respect to the Repeal of the Corn Laws — with respect to commercial matters—and with respect to free trade; and they gave their opinion as to the course that was to be pursued. I consider that not only was I justified in calling that meeting of my political friends, but that it was incumbent on me to call such a meeting, when we saw on the one hand that all the rules of the Constitution were to be suspended or set aside, and when we saw on the other hand that the consequences of that suspension must be that the country would be, for seven or eight months, quite uncertain as to the course of commercial policy that would be pursued. Well, now Sir, as to the grounds upon which this extraordinary political position has been taken. As I have said, the case was a very simple one. The late Ministers had resigned, and other Ministers had accepted their office, and had taken their places. It appears that that was not enough; they were not satisfied with that position, but they asked for an extraordinary course, for extraordinary forbearance on the part of the House of Commons; making extraordinary assumptions of power on their part as Ministers. They then thought it necessary to put forward some new pretences to justify that course; and one of the pretences that were put forward was, that it was the greatest surprise to them that they had been called upon to assume office, that they had no part in the destruction of the former Ministry, and that nothing but the pain that it would give them to see their Sovereign without a Government could have induced them to accept office. Why, Sir, I must say that this pretence is a false pretence. During the last year they were continually bringing forward Motions, which, if successful, must have put an end to the Government. At the very commencement of the Session, the right hon. Gentleman the Chancellor of the Exchequer proposed a scheme that would have altered the whole financial plans of the year, and must have made it necessary for the then Government to retire. This was within ten days from the commencement of the Session. Again, with respect to the Income Tax—with respect to the Window Tax—with respect to the government of Ceylon, they were continually pushing forward, and supporting with all their votes, the consideration of Motions which must, if successful, have been destructive to the Government that then existed. I do not say that they were not justified in taking these measures if they thought their views were calculated to promote the welfare of the country. I am only saying that such a course was totally inconsistent with the pretence that has now been put forth. More than this, the right hon. the Chancellor of the Duchy of Lancaster went to Edinburgh, apparently for the purpose of declaring at a Protectionist meeting that, although the Earl of Derby had declined office when it was proposed to him at the commencement of the

Session, yet that if another offer to form an Administration was made, he was ready to accept it. This was the tone of the right hon. Gentleman. But, as was said of Demosthenes, *Si ipsum audivissetis,* I have no doubt his language was most expressive, as well as most consolatory, to his friends. Why, at the commencement of the present Session, one of the first things I heard, as matter of public rumour, was, that their list was ready—that the new Ministers were prepared to take their offices—and one nomination I heard of, which I remember more especially because it was not expected, namely, that the right hon. Gentleman the Member for Midhurst (Mr. Walpole) was ready to quit the Bar, of which he was an acknowledged ornament, and to accept the office of Secretary of State for the Home Department. It was in the very first days of February I heard that the appointments were settled; and in the end of February these Gentlemen were quite surprised and astonished that they found themselves in office. I have mentioned the somewhat discreditable Motion that was made with regard to the conduct of the Earl of Clarendon—a Motion of which the most honourable Members of the party were so ashamed that they left the House, and, thereby gave us a considerable majority against so unfair and unworthy a proceeding. ["No, no!"] So confirmed is that estimate of the Motion at present, that it is currently rumoured that the noble Lord who brought that proposition forward, and who is very properly anxious to wipe away from himself the reproach of having been the author of that Motion, declares that it was nothing but the exigencies and desires of his party that induced him to bring it forward. A case occurred last year which shows that, so far from being very scrupulous—that so far from being very anxious to avoid office—how very ready they were to accept it if it could be possibly brought within their reach. In the course of the debates on the Ecclesiastical Titles Bill, an hon. Gentleman, who does not in general carry many Members of the House with him, gave notice of a Motion of censure upon the Government. I did not pay much attention to him, there being many matters then which occupied my attention; but one day, about three o'clock in the afternoon, I saw it stated in the second edition of a morning paper, that all the leaders of the Protectionist party had agreed and made a compact with those who were the great opposers of the Ecclesiastical Titles Bill (and who went by a name to which I will not allude in this House), and that it was certain that the Government would be out next morning. Upon seeing this I desired all my friends to be summoned; the debate was very adverse to the proposition, and it was rejected; but it was evident how ready Gentlemen opposite were to join with any party against the Government. Well, but now it appears that the success of the Motion of the noble Lord the Member for Tiverton (Lord Palmerston) was a matter quite unexpected by them, and in which they had no share, but that it was entirely carried by the noble Lord the Member for Tiverton, and hon. Gentlemen who were friends of the noble Lord and of ours. Why, Sir, the facts do not bear out that statement. The noble Lord was very much persuaded of the value and importance of his own proposition, as we were of ours; but it was not likely, by any influence that he could have with any hon. Members who would follow him, that he would be able to carry that proposition. Accordingly, I find that out of 136 Members—Members who voted with the noble Lord—there were not above thirteen who usually voted with the Government, and I think that seven of these were not usually supporters of the Government upon many public questions. While on the other hand, I find in the majority above 100 of those who were the supporters of the present Government; that among them was the present Chancellor of the Exchequer, the Secretary of State for the Home Department, the Secretary of State for the Colonies, the President of the Board of Control, the First Commissioner of the Board of Works, being five Members of the present Cabinet; and that there were besides, the Chancellor of the Duchy of Lancaster, the Secretary at War, the Chief Secretary of the Lord Lieutenant of Ireland, the two Secretaries of the Treasury, the Solicitor General for Ireland, and in all twenty-one Members holding office under the present Government. And this is the result to which they declare themselves to be totally strangers, or, as the right hon. Gentleman the Chancellor of the Exchequer calls it, "an internal dissension among the Members of the former Government by which they were overthrown." And, Sir, for what purpose is all this said? As I have already stated, their position was a perfectly Parliamentary one, and that there was no need for their trying to put a false gloss and colour on facts which only show that they were anxious to overthrow the late Administration. If that was so, their opposition was a perfectly natural one; it might have been carried too far on certain occasions—that is not a matter of which I am a fitting judge—but it is a fair defence that they thought the late Government were not acting for the public benefit; and they might be satisfied with that defence; but as they have chosen to take an extraordinary course, they seek for every kind of false pretence, in order to cover the conduct that they now propose to pursue. Will the Committee deny that I have shown that, during the whole of the last Session, and that at the commencement of the present Session, they had done their utmost by party Motions to overturn the late Government, and that they were not strangers to the division, which at length declared that we had lost the confidence of the House of Commons? Is that not so? That, then, is their position. They then accept office, and far be it from me to find any fault with the individuals who are named to the several offices. I did not myself understand the reason for the extraordinary diffidence which they showed last year in refusing to accept office, and in being parties to the declaration then made by the Earl of Derby, that he could not find persons of competent experience to fill the several offices of the State. I did not see the reasons for that extraordinary statement. But neither do I see any reason for the extraordinary confidence which they now show, when they say that they will not only accept office, but will carry on the affairs of this great country in a position which Mr. Pitt would never have been bold enough to assume. That position is, as I have already said, that for eleven months they propose to carry on the affairs of this great country, without having the confidence of this House. Now, in that respect a very considerable change has been made in the course of the present week. The declaration made by the right hon. Gentleman opposite, the Chancellor of the Exchequer, and the declaration which I understand has been made elsewhere, have very much altered their position, and have shown, I think, the benefits of public discussion—they have shown that the position which had been taken up is one which could not be maintained in the face of Parliamentary debate; and, to use the phrase of the right hon. Secretary of State for the Home Department, that position has been "altered and modified" to a considerable extent. I now come to the other part of the question—that is, the question of the commercial policy; and upon that, as many other Gentlemen have spoken, it does not seem to me that I need enter at very great length into the questions that are involved, but there certainly is something extraordinary in the present position of the Ministry. It is not one of total reserve, but at the same time it is not one of open and manly avowal of their principles; every day produces some change, and every man holds a different opinion as to the course which the Government intend to pursue. If you go into the street, probably the first man you will meet will say, "Well, the Government have thrown over Protection altogether;" then, probably, if you go ten yards further, you meet another man, who says, "I see the Government stand firm to protective principles; they are not abandoning protection, and we shall see that they will maintain those principles after all, and produce them to the next Parliament." The consequence is, that there are now persons canvassing all over the country; and some say they will support the Government, because it is a Protection Government, and want to see Protection restored; while other Gentlemen say, that they are complete free-traders, and that they are against any renewal of the corn laws, but that they are firm supporters of the present Government. Now this is a great evil, because it leads to a great uncertainty. An hon. Member, who addressed the Committee this evening, said that he would tell us what a Protectionist was. We were all ears, hoping for a satisfactory solution of the enigma, for we wanted to know whether being a supporter of a fixed duty on corn, or one of a sliding scale, or of an alteration of the Navigation Laws, constituted a Protectionist; but the information we received was, that a Protectionist means a supporter of the Earl of Derby's Government. As therefore the supporters of the Earl of Derby's Government are Protectionists, while many Gentlemen who say that they are Free-traders, profess also to be supporters of the Earl of Derby's Government, it would appear that Free-traders and Protectionists are interchangeable terms. My hon. Friend who has spoken last says, indeed, that the farmers of England know their own friends. Well, I confess that I rather doubt it; I am inclined to think that, perhaps, if they had known their friends, that the advice that I have given them from time to time would have induced them to consider me not as their enemy, but as their friend. I beg leave to refer to the advice which I have given them at different times. In 1841, I said I thought the farmers of England had much better accept an 8*s*. duty. I thought that great commercial changes were coming, and that it was probable that there would be, amongst other changes, a great alteration in the corn laws, and that it would be a great advantage to them to effect a compromise by accepting a fixed duty. But no; I was represented all over the country as the enemy of the farmers. Now-a-days a Gentleman who proposed an 8*s*. duty would be thought a strong Protectionist, and a great friend of the farmers? Well, in 1845, I asked the Gentlemen who compose what are termed the country party in this House, to consent to a 6*s*. duty, and to make some diminution of the taxes which pressed particularly on the agricultural interest. They would not hear of that, and I was called an enemy of the farmers, because I proposed a 6*s*. duty. Well, in 1849, the right hon. Gentleman opposite (the Chancellor of the Exchequer), in stating the case of the party he was leading, rather intimated to me that he would be desirous that I should state what they should do with respect to their own party. My answer was, "You are a very strong, a very compact party, and have great principles to which you always adhere, which were traditional with your party. Maintain these principles, but give up your protection. State at once that you give up protection." Well, I believe that I was then acting as the farmer's friend. I believe that if, in 1849, they had given up protection, they would have been in a much better position than they are now. I believe that they would not now have had their present difficulty before them. Consider the dilemma in which that difficulty has placed them. From 1849 to the present time they have been talking to the farmers of nothing but protection. There was a deputation last year went to the Earl of Derby and to the right hon. Gentleman opposite, with a resolution stating that they were determined, so far as lay in their power, to reverse the commercial and financial policy of Sir Robert Peel. The Earl of Derby said—"I trust what I have to say to you will secure me in future from the misrepresentation that I have abandoned protection." So it has gone on up to the present time. Now we hear that the sliding scale is not to be thought of, and the utmost that is to be done is the imposition of a duty so small that it will not make an appreciable difference in price, and even this will not be proposed unless the Earl of Derby has not only a great majority in Parliament, but also the concurrence of the country; thus making a distinction between the House of Commons and the country on the part of those who refuse to make any change in the representation. It is indeed very evident this duty, which will make an inappreciable increase in price—which, after all, is a paltry duty, which can only be obtained by a great majority of the House of Commons, and with the general concurence of the country—is either not to be obtained at all, or, if obtained at all, is not worth having to the farmers. In fact, I might describe the conclusion of this great drama of protection in the language which Mr. Pulteney about a century ago applied in this House to the Ministers of the day, who he said reminded him of Sir Epicure Mammon, who, having been promised the philosopher's stone, although no stone was produced, was told that he might have a little something to secure him against the itch. And these things, as it appears to me—these great professions, which have gone on now from 1846 to 1849, and from 1849 to 1852—have been put forth with a view to persuade the farmers to rely on the party opposite, and to believe that they should ever have a return to protection, and to the high prices of protection. The fixed duty having departed, there is next some talk about removing burdens which pressed upon agriculture to the extent of 2,000,000*l*. or 3,000,000*l*.; an objectionable plan in itself, besides which it would afford relief to the extent of only 3*d*. or 6*d*. in the pound. What would such relief as this, or a duty producing an inappreciable rise of price, be, compared with the descent of price caused by the repeal of the Corn Laws from 56*s*. to 38*s*. or 40*s* a quarter? Is there no danger in leading the farmers to suppose that they can obtain an equivalent for what they have lost? These opinions entertained by the farmers—and I am willing to admit honest opinions, though founded on a mistaken view of their own interest—must have a great effect on this House and on the country; and I do think there is danger from which we have been hitherto secure. In 1846, during the time that discussion was going on with respect to the repeal of the Corn Laws, although a formidable and able opposition was offered to the measure, which was thought necessary for the safety of the country, I had then the consolation, as I stated, of seeing the country gentlemen going with the farmers, and a confidence existing between them, which rendered it most probable that the farmers would choose the country gentlemen as their representatives. After having led them to expect a restoration of protection, to suddenly desert them may tend to unexpected consequences. There is danger that, instead of choosing the country gentlemen of England as their representatives, they may choose persons, to my notions, not so conservative as those Gentlemen whom I see opposite. A man of large capital in this country said to me lately, "Some time ago we heard a talk of democrats and the danger of democracy, but I think some of the farmers of England are more democratic than any class I know." I will not tell you the authority, but if I were, you would find it an authority universally respected. [*Cries of* "Name."] As it is not a question of fact, but a matter of opinion, it is unnecessary that I should give the name. Another scheme by which the farmers are to be relieved is the revision of taxation. It is easy to talk of a revision of taxation, but when it comes to be considered it will be found to involve a great deal that right hon. Gentlemen will hardly like to encounter. In 1830 Mr. Huskisson made a speech in this House in which he requested the House to consider how great a proportion of the taxes of this country fell on articles of consumption consumed by the great body of the people; and he pointed out the danger of continuing so to raise the great proportion of our taxation. Sir Robert Peel has done much to alter that proportion, but Gentlemen who might have happened to consult a speech of a great Protectionist, made in another country, would have seen it there stated what had been in France. It was a speech of M. Thiers—one of the most able speeches ever heard in the French Assembly, when there was a free assembly in France—and it produced a great effect. He said to that Assembly—

> "We are asked to imitate the example of England, but already we have gone far beyond the example of England. In France we raise about 18,000,000*l.* sterling of direct taxation, and 18,000,000*l.* of indirect taxation. In England altogether 21,000,000*l.* of direct taxes are paid to the State, and 35,000,000*l.* and upwards of indirect taxation under the heads of Customs and Excise."

If that be the case, I should say that the matter of revision of taxation, which certainly in office I promised to consider, and did consider very much, is one which cannot be approached without the gravest deliberation. If you do touch, and wish to touch, the system of indirect taxation, you will find the conclusion to which you must come is the adding to direct taxation. I confess I am very unwilling to diminish the great revenues obtained by means of Customs and Excise, and more especially I see some danger in adding greatly to direct taxation. But that is the conclusion to which you must come, in any revision of taxation—a conclusion most alien, most abhorrent to the opinions of the right hon. Gentleman opposite, because when the income tax was discussed last year, the right hon. Gentleman, who is so eminent in finance, the President of the Board of Control, sought to diminish the income tax, for the purpose of relieving the country of so much direct taxation; and this is the question which the noble Lord the First Commissioner of Works raised, I think not very prudently, with his constituents. He said, "You pay a very high tax on tea, a very high tax on soap, why should you not pay something on bread and meat?" I think it must have been obvious to his constituents that their answer was, "Let us put it, my Lord, the other way. We pay no tax upon bread; we pay no tax upon meat; suppose we pay no tax upon soap, and little tax on tea." Would that be a better mode of arrangement? These are the questions which my hon. Friend the Member for the North Riding of Yorkshire (Mr. Cayley) says are so simple and easy of solution—these are the questions which the right hon. Gentleman the Chancellor of the Exchequer will have to bring before a new Parliament, if—giving up protection as a thing odious to the great mass of the people, and not to be thought of, and giving up the shifting of taxation, which, after all, is only taking away taxation in one shape to make the same persons pay it in another shape, because the agricultural interest must, as a part of the people, pay a portion of any taxes you put on—if, rejecting these two courses, he seeks to make a general revision of taxation, to decrease taxation on the consumption of articles of food and comfort, and to do that to which he most particularly objects, to increase the direct tax which Sir Robert Peel introduced as an equivalent for some of the indirect taxation which he remitted. Having thus touched on these questions, I can ask no more from the present Government than that they should endeavour, in some mode they think best, before the country goes to a general election, to let us know what is the issue the country has to decide, and what is the issue a new Parliament has to consider. I think it very well for a majority of the House of Commons to show forbearance. I agree, it is an occasion for forbearance. I think, on the other hand, if we do show forbearance, we should not be treated with contumely and supercilious answers. If there ought to be some reciprocity with regard to the Navigation Laws, there ought to be some reciprocity with regard to matters of courtesy between hon. Gentlemen opposite and ourselves. The noble Lord at the head of the Government has tried to raise another issue, and that is an issue which he has no right whatever to raise, and upon which I think he has no claim, superior to others, to ask the approbation of the people. He raises the issue, to my astonishment, and I think most imprudently, that the present Ministry are specially called to resist the outbreaks and encroachments of democracy. Having had the honour to have been First Minister of the Crown during five years, I do not see that democracy has made any encroachments against the just prerogatives of the Crown, and the authority of the two Houses of Parliament. We have the Throne guarded by the virtues of the Sovereign and the two Houses of Parliament maintaining their just authority. But I have, however, learnt a lesson from the political scenes which have passed before my eyes during no inconsiderable experience in this House. The first political meeting that I ever remember was the meeting of the Lords and Commoners of the Whig party at Burlington House, on which occasion Earl Grey addressed them on the measures about to be introduced by the then Government. That was in 1817. Earl Grey in the House of Lords, and Mr. Ponsonby, as leader of the House of Commons, told them a Bill was about to be introduced for the suspension of the Habeas Corpus Act, and other Bills were to follow restricting the liberty of the subject. Those Bills were not found sufficient, and in the year 1819 six other Acts were introduced still further to restrict the privileges of the subject, and to prevent the outbreaks and encroachments of democracy, which were then feared. We read frequently of attempts at insurrection, beginning in riots, and we had the sorrowful spectacle of spies sent out by the Home Secretary, who misused the power, as spies are so apt to do, to bring under capital punishment the victims they had seduced into the violation of the law. It was a melancholy time when they were told the insurgents from Manchester were about to march on London, and the insurrection in Derby was spreading over the whole manufacturing districts. After no long period of years a change was made in the Executive Government, and we had Sir Robert Peel as Home Secretary, and Mr. Canning as Foreign Secretary. A change took place with regard to our position both at home and abroad. Sir Robert Peel turned his attention to the amendment of the criminal law, and displayed extraordinary judgment and firmness, and at the same time the greatest possible lenity with regard to all that related to the domestic government of this country. Mr. Canning was guided by the old sentiment "civil and religious liberty all over the world," and this House and this country responded to the generous sentiment uttered, and the admirable policy he pursued. It was no longer necessary to have those laws which were so restrictive of the liberty of the people. The policy commenced under Earl Grey's Administration was continued under that of Lord Melbourne and Sir Robert Peel; and the Attorney General, who in former times had been most active, made a more discreet use of the power intrusted to him, and ceased to contend in battle against political offences. That change has taken place, not to the advantage of democracy, but to the benefit of the great body of the people. They have become more attached to our institutions, more attached to the monarchy, more attached to the authorities constituted by the laws of the country, and therefore more satisfied and less desirous of any change in our national institutions. The right hon. Gentleman the President of the Board of Control told us the other day he admitted the people were now in a state of prosperity, that prosperity being mainly caused, as I believe, by those changes in our commercial policy which have given increased employment and wages, commanding a greater portion of food, a greater portion of comfort, and leaving some surplus for the education of their children and the cultivation of the minds of the working classes. These are the means by which the attacks of democracy is to be met. If the noble Lord now at the head of the Government intends to resort to other means, if the laws which he has in contemplation be opposite to the general sentiments of the country, and if he contemplates that those laws will require to be enforced by other means, let me tell him, that instead of discountenancing democracy, he will be doing all that could possibly be desired by the most enthusiastic of democrats. Rely upon it, it is not by these attempts to revert to the plans which have been abandoned, that you can hope to retain the affections of the people. It is by calm, quiet, peaceable, and enlightened progress; by going on, without any violent change or any violent convulsion, but at the same time showing that you are the guardians of the people's interest, and will not abate one jot of the people's rights. Do this, and according to this manner, and you may rely upon it these attacks of democracy are not to be feared. In the meantime, if it is merely intended by this kind of language to raise an election cry, nothing can be more objectionable, nothing can be more unworthy of a Minister who is called upon to preside over the destinies of this great nation.

The CHANCELLOR of the EXCHEQUER: Sir, the noble Lord who has just sat down said there were two questions before the House, or rather that the question before us might be viewed in two aspects, the one constitutional and the other economical; but I must recall the attention of the House to this fact, that the question before the House is one of a much simpler nature—it is the first Motion of the newly-constructed Opposition, and that Motion is one to stop the Supplies. That Motion, gaily proposed by the hon. Member for Middlesex (Mr. Osborne), and respectfully recommended by the hon. Member for Liverpool (Mr. Cardwell), was enforced in a speech of great length and careful preparation by the noble Lord recently First Minister of the Crown. Sir, we will meet the noble Lord, and the newly-constructed Opposition, on the issue they have themselves selected, and on that issue we intend to divide. The noble Lord professes to be much astonished that any imputation of faction should for a moment be raised against him. We were told, indeed, the other night, by the noble Lord, or one of his supporters, that it was a new doctrine in the House to suppose that asking questions of a new Ministry was factious; but I do not think that the charge of faction on the leader of the new Opposition was established on any *dicta* of such a character. I understood that the noble Lord, when in the position of First Minister of the Crown, and unable, in consequence of the attacks of his own friends, to carry on the affairs of the country, felt, by his own confession, and after deliberation with his Cabinet, that it was inexpedient to dissolve Parliament, and that he then recommended Her Majesty to send for another individual to form a Government; and what we charge as factious upon the noble Lord is, that after that declaration he should have constructed an Opposition, the first principle of which is to force his successor to an immediate dissolution. But, says the noble Lord, a remarkable event occurred between my declaration as a retiring Minister and my first adventure as the leader of the new Opposition. A speech was made, and a speech, too, in another place, in which was this remarkable declaration—that the new Government, according to the chief of the Administration, was in a minority in the House of Commons; and upon that phrase the noble Lord felt himself justified in changing his conduct. "Because that phrase was used," the noble Lord said, "and notwithstanding my declaration that a dissolution was inexpedient, I now feel myself justified in urging a dissolution of that very Parliament which I had said ought not to be dissolved." But, indeed, the noble Lord is so deficient in evidence to prove the want of confidence of the present House of Commons in the existing Government, that he can refer to no facts, he can appeal to no votes, to justify the opinion or sanction the conclusion he has arrived at. All he can do is to cull phrases used in another place, and by the Secretary for the Colonies. Now, I ask, if expressions of this kind are to be considered as conclusive of the disposition of the House of Commons? Are expressions of this kind to justify the noble Lord in totally changing his policy on a subject of such importance, and leading to such considerable results? I have arrived at a different conclusion on that subject from the noble Lord. All the precedents which he has found to apply to this subject are precedents of condemned Governments; and really to place us who are as yet uncondemned—or condemned only by the too modest estimate of an individual—in the same catalogue with those Ministers who, after long discussion and grave deliberation, and, in some instances quoted by the noble Lord, in Houses of Commons assembled under their own influence, have been condemned—to treat us as if we were in a similar position, because it is convenient to the changed position of the noble Lord, is to me one of the boldest expedients that ever was adopted even in the annals of Opposition. But under what circumstances did the noble Lord have recourse to this expedient? I refer to them without reserve, because an enumeration of them formed not the least considerable, and not the least interesting, part of the noble Lord's address. The noble Lord said, in a strain of continued apology, "Have I not a right to summon my public friends to my private house? I have heard that other leaders in Parliament assembled their friends together; and surely I am not well treated when you are so severe on me because I ask to my private residence my political friends, to assist me with their counsel." Now, if the noble Lord had only asked those friends who had voted for him on the militia question; or if he had only asked those friends who were absent on that occasion—to assemble at his house, and if they had atoned for the past by their counsels for the future, I am sure not a single observation would have been made. And if the policy they had agreed to adopt had been in harmony with the course indicated by the noble Lord in the last official speech which he made from these benches, I think it would have sustained the great and just influence with the country which the noble Lord possesses. But instead of that, we find, by the authoritative statement that has been published, that the noble Lord did not invite his friends to his counsels, but his enemies—those whose speeches and whose votes had made his Government uncomfortable—and the noble Lord, doubtless with great pathos, said to them, "Gentlemen, you see what it has all ended in; let us forget the past—let us understand each other for the future—you have had a superstitious dread of an oligarchical Cabinet—forget it, and the oligarchical Cabinet shall become a broad-bottomed Opposition. The Reform Bill of this year did not please you; let bygones be bygones—we shall understand each other on that subject, no doubt, for the future." That was the character of the meeting; and it seems to have been successful. The noble Lord appears in his new capacity; and the moment he does appear, he announces a course on his part exactly the reverse of that which he announced when he retired from this side of the House. But there must be an excuse for this; and the excuse is, some half-dozen words in a speech of Lord Derby, and an expression used here by my right hon. Friend the Secretary for the Colonies, in answer to a question—the easiest reason for the greatest result that probably ever was discovered. But not only this; for the noble Lord discovers that he has been extremely ill-treated by the late Opposition, the present occupants of the Ministerial benches. The noble Lord has made a similar observation before, and to-night he adverted to it again. The noble Lord is an unfortunate Minister—he was worried out of office. After such an illustrious career, and so long a Ministerial experience; after all that has happened to him since that ever-memorable meeting at Burlington House, when he was addressed by the hon. Mr. Ponsonby, and early initiated into political life by the Whig leaders of the day; after such glorious antecedents—to be worried out of office by the Protectionists! 'Twas too bad. Again, the noble Lord said that he was vanquished with poisoned weapons—by a personal Motion against Lord Clarendon, and by a menaced Motion against Lord Grey. But how could the noble Lord attribute his fall to these attacks, since he had, as he took care to inform us, a commanding majority on the first Motion, and the second Motion was not brought on? Now, when the noble Lord deals in these free assertions, and such sharp criticism on his opponents, does not he think that it would have been better to have at least uttered one reproach to those political friends and followers of his who, on the critical night of the fortunes of the late Government, did not muster to a greater number than 130? I cannot help thinking that that meagre muster accounts better for the fate of the Ministry, than the attack upon Lord Clarendon, which the noble Lord told us to-night was a signal failure; or the menaced Motion against Lord Grey, which was certainly escaped—I will not say evaded. I have already put before the House, in answer to the noble Lord, the exact issue before us—it is a Motion of the new Opposition to stop the Supplies—a Motion, so far as I can collect, sanctioned by the late First Minister of the Crown.

LORD JOHN RUSSELL: I beg to say that no such Motion would have my support.

The CHANCELLOR OF THE EXCHEQUER: I have to beg the noble Lord's pardon. I listened attentively to the speech of the noble Lord, expecting that after he had concluded the interesting narrative and amusing arguments with which he had favoured us, he would at last have condescended to announce that he did not sanction the proposal of the hon. Member for Middlesex to negative these Estimates. [*Cries of* "There's no such Motion."]

LORD JOHN RUSSELL: There is no such Motion before us.

The CHANCELLOR OF THE EXCHEQUER: Well, then, the negative to the vote which the hon. Member for Middlesex said he would move. [*Cries of* "No, no!"] Let the Chairman, then, state what is the Motion before us.

The CHAIRMAN: The Motion before the Committee is, the number of land forces, and that the grant of a certain amount of money for their support should be acceded to. [*Great cheering from the Opposition.*]

The CHANCELLOR OF THE EXCHEQUER: That cheer is premature. That is the Motion before the House; but the hon. and gallant Member for Middlesex not only announced that he opposed the Motion, but that he intended to divide upon it. Of course, I can have no wish to misrepresent the noble Lord; and it has given me the greatest pleasure to observe the noble Lord recede from his perilous position. I am glad that, on second thoughts, the noble Lord will not go on. I will now make one observation on the second part of the question, according to the noble Lord's division of it. I do not exactly understand what the noble Lord wishes the Government to do in this matter. The noble Lord said to-night that, to a certain degree, there had been, on the part of the Government, an absence of reserve; but that, on the other hand, there had not been that explicit declaration of principles which would have been agreeable to him. The noble Lord is not the most disinterested judge in the world; and if the noble Lord admits that there has been an absence of reserve, although there has not been such an explicit declaration as he requires, an impartial judge might decide that, on the whole, the Ministerial declarations have been as explicit as was necessary. The hon. Member for Liverpool has also given us a grave admonition to-night; but I understood him clearly as sanctioning the movement of the new Opposition.

MR. CARDWELL: I beg to inform the right hon. Gentleman, that the idea of refusing the number of men necessary for the Army, or giving a negative to the proposal before the House, never entered my head.

The CHANCELLOR OF THE EXCHEQUER: This is another proof of "the advantages of free discussion." I am glad to find there is another seceder; I am curious to ascertain what is the force that the hon. and gallant Member for Middlesex will carry with him into the lobby, and whether it will comprise any part of the public friends who met at the private residence of the noble Lord. I can tell the noble Lord that, when we go to the country, the issue will be as distinct as, under such circumstances, it ever has been. It is clearly an issue whether the people have confidence in the present Administration, or whether they have not? It is clearly an issue whether the agricultural interest (on whose fortunes the noble Lord has so considerably dwelt to-night) have confidence in the present Administration, or whether they have not? It is clearly an issue whether they believe, or do not believe, that if we remain in power we shall do our utmost to redress the grievances of which they so justly complain? I believe that issue is distinctly understood by them. And, notwithstanding the speeches of the noble Lord, and those of his new ally, the Member for the West Riding (Mr. Cobden), they are perfectly satisfied that that issue should be arrived at as speedily as is consistent with the service of the country. I was reminding the hon. Gentleman the Member for Liverpool, when he made that pleasing intimation of his exact situation, which was received by this side of the House with such satisfaction, that he had given us a lecture, founded upon the conduct of Sir Robert Peel in 1841. But I must warn the hon. Gentleman and the House against putting more value upon that instance than it deserves. The hon. Member was one of the most ardent followers of that eminent personage, and he will remember that, in 1835, Sir Robert Peel professed a different opinion, and pursued a very different course. I do not think an interval of five years could make so much difference, that Sir

Robert Peel's opinion in 1835 should not be of as much value as his opinion in 1841; but, at the same time, I must remind the House, that none of these precedents involved circumstances at all like those with which we have to deal. There is not now a vote of want of confidence carried against the existing Government by the existing House of Commons; and I think it would be more decent to propose a vote of that kind, preliminary to making a Motion to stop the Supplies. The noble Lord has dwelt very much upon the unconstitutional conduct of the Government in presuming to endeavour to carry on affairs with a majority of the House of Commons against it. I think it rather a large assumption, on the part of the noble Lord, to state that Her Majesty's Ministers will be unable to carry their measures in this House. But whatever might be the state of this House—even if on acceeding to power the Ministry had an undoubted majority—Lord Derby would not have thought of bringing forward, in a terminating Parliament, after the repeated pledges given to the country on that subject, measures for the redress of the grievances of the agricultural and other interests. There is a distinct pledge to that effect, understood by the country, and accepted by the country, that we shall not attempt to redress those grievances until the public voice has been taken. If, then, we had been secure of a majority on acceding to power, that fact would not have prevented our advising Her Majesty to take the sense of the people as soon as those conditions are fulfilled, which, I hope, to-night I have correctly and accurately expressed. But, as regards the result of an appeal, even to this waning Parliament, to which we do not intend to appeal, after all that has occurred, and after all that has been said about our not obtaining a majority, I want to know why we are to assume that the noble Lord can command a greater number of followers than ourselves? When the noble Lord accepted office in 1846, he certainly did not accept it with a party so powerful in that Parliament as honours the present Administration with its confidence in this. The noble Lord came into office as legitimately then as we have done now; but he not only had fewer followers than we, but he proposed measures which placed his newly-fledged Ministry in danger of being overwhelmed. He proposed measures which Sir Robert Peel could not sanction or approve—which were opposed not only to his declared opinions, but to his sincere convictions, with respect to the sugar duties. The noble Lord must recollect well that night when, if Sir Robert Peel and his friends had acted upon their own convictions, the noble Lord would have been defeated by a large majority. Sir Robert Peel did not approve of their policy, but at that moment, if the Government had been turned out of office, there were only two persons who could replace them. Sir Robert Peel was not prepared to take office himself, and he did not wish my late lamented friend the Member for King's Lynn (Lord George Bentinck) to have the opportunity. The noble Lord did not dissolve Parliament on that occasion, although it was a Parliament quite as old as the present; and he was pursuing a policy upon which the country manifestly wished to express its opinion. But the noble Lord went on, and was justified in his doing so, just as upon that precedent we are justified in the course we have adopted. I said the other night that great as were the difficulties under which the new Government was formed, many of its members being men of no official experience, yet I had faith in the good sense and good temper of the House of Commons. Nothing has occurred to make me lose my confidence in those qualities; and I do not think there are any reasons existing to make me suppose that any judicious measure we might propose would not be supported by a majority in this House. With that conviction, I will not defer to the ignoble opinion that Her Majesty's present Government is existing on sufferance. We are thankful for support; but I do not deprecate hostility. If the noble Lord be guided by the decision of the convention to which I have referred—if the noble Lord act in the spirit he has this evening evinced, and which I do not hesitate to say is a factious spirit—I believe that he will not be supported by a majority of this House; and that if measures are brought forward by the existing Government which deserve the approbation and are entitled to the confidence of the House of Commons, the existing House of Commons will, I believe, support those measures. The noble Lord made some observations—I ought not to say "some," since the whole of his speech was addressed to a speech made in another assembly, by another person—I should rather say in the elaborate reply which he made to the speech of Lord Derby, the noble Lord alluded to an expression of opinion and feeling on the part of Lord Derby, that the Government which now existed would meet with the support of the great bulk of the people, because it is a barrier to democratic innovation. "Democratic innovation!" said the noble Lord, "was not I a barrier to democratic innovation? did democracy run riot when I was Minister? when it attempted that which was improper, did not we check and successfully resist it?" I admit all that; but allow me to ask the late First Minister of the Crown, by whose aid he was so successful, and by what means was that menacing democracy repelled? By whose aid did he defeat those large schemes of Parliamentary reform of which he could afford to speak, when supported by this side of the House, with derision and contumely? And when the late First Minister discoursed so learnedly and so eloquently on the public credit of the country, and the difficulty of revising taxation, let me ask him who, when a proposition to reduce taxation to the extent of 10,000,000*l.* was proposed by an individual summoned the other day by the noble Lord to Chesham Place for counsel—let me ask the noble Lord, was it the 130 Gentlemen who supported the late Government on the Militia Bill who prevented the carrying of so disastrous a proposition? The noble Lord has condescended to a misapprehension of the meaning of Lord Derby—I use the mildest term—which I did not expect from his lips. It has never entered into the mind of Lord Derby, in any policy which he may recommend to Parliament, that it will be a policy requiring physical force to uphold it. When Lord Derby said that he was prepared to uphold the venerable and admirable institutions of this country, it was not that he wished to intimate that he was prepared to invoke force to maintain his policy; but what he meant was, that, being himself animated by a feeling of true patriotism, and believing Parliament was prepared to support a policy founded upon national honour, that when that appeal to the country should be made which is now pending, he would meet with such large support that he should be able to originate in Parliament measures which he believed to be necessary, and that he should be able to pass them, and find himself a successful and powerful Minister, supported alike by the favour of his Sovereign and the confidence of his fellow-subjects.

MR. BRIGHT: There have been one or two questions discussed to-night which I do not mean to enter upon. I will not enter upon any discussion as to the policy pursued by the noble Lord at the head of the late Government, or as to how far he is to be blamed for the present posture of affairs. The noble Lord will no doubt be able to defend the course he took in this House. Neither will I discuss whether the right hon. Gentleman who has just sat down is precisely such a champion of the aristocracy as they may much admire, or such a one as the democracy ought to fear. Neither will I discuss the question of free trade, because the question now is not whether the principle of free trade is sound or not. The question now before us, and that which the country is anxious to know something about is, whether a Government that, notwithstanding the high flight of the right hon. Gentleman the Chancellor of the Exchequer, has acknowledged itself to be in a minority in this House, and which, as an Opposition, maintained a policy, and scrambled into office on a policy, which a majority of the House has repeatedly declared to be pestiferous and dangerous—ought to be permitted to carry on the Government without being summoned before that tribunal to which, in this country, I am happy to say, all Administrations must submit. It is not because the right hon. Gentleman the Chancellor of the Exchequer and his Friends sit on the benches opposite, and that I wish to see those on this side of the House take their places, that I press this view of the question. The right hon. Gentleman proposes to carry on the Government with an avowed and acknowledged minority, and he claims credit for his willingness to carry certain measures which have been proposed by the noble Lord (Lord J. Russell). If the right hon. Gentleman can do that—if the right hon. Gentleman can claim credit for taking such a course, supported by 220 Members, but still a minority of the House, why may not a minority of thirty or forty Members—why may not, in fact, a mere Executive adopt the same course, and claim the support and forbearance of the House? It appears to me that the only question which can delay a dissolution of Parliament, is the question of what is called the internal defence of the country. Now, seeing that the noble Lord (Lord J. Russell) declared, that he did not propose this measure, the establishment of a militia force, to meet a special emergency—seeing that such a proposition was made four years ago, and was then abandoned—seeing that for thirty-seven years we have been in peace and security, without such a measure, I do not believe that a single interest in the country would be less safe if that measure, which we are told to regard as of so much importance in the country, and about which I venture to say a good deal will be heard at the hustings—should be postponed for two months longer. I do not blame Gentlemen opposite for opposing the late Government in opposition, for I do not know what an Opposition is for, unless it is to oppose, or at least to check, the Government. I believe they were not more factious as an Opposition than the Members who now sit on this side of the House. I think both sides of the House have been too much tainted with the Parliamentary vice of faction. But I must remind you that you occupy a position which makes it impossible for us to forget what took place when you sat on this the Opposition side of the House; and it is for the purpose of preventing you from getting on under disguises, of going to the country under false pretences, that I now address you. Taking your past conduct in opposition, and the promises you have made, I cannot but scout the notion that the 200 Gentlemen whom I saw in opposition making such a display of their professions and principles, are, now that they form the Government, about to throw overboard all those professions. In 1846 you objected to the course pursued by Sir Robert Peel with regard to the mode in which he carried the repeal of the Corn Laws. Now, from 1842 to 1846, you must have perceived from Sir Robert Peel's speeches, that there was a gradual change coming over his mind in reference to protection; and if you denounced him for changing his policy from conviction, and on an emergency such as had not occurred in modern times, what will the country think of you, if, without the excuse of any such emergency, except the love of office, you abandon the professions you have a thousand times made in opposition? We do not want to raise a war of classes, but let me remind you that some of the farmers' friends endeavoured to raise such a war long since. A gentleman from Cambridgeshire it was, I think, who said at an agricultural meeting that the farmers would rather march upon Manchester than upon Paris. Perhaps the fear of sea sickness may cause such a preference. Another gentleman reminded his hearers that the farmers had a greater number of horses than others, and that they knew how to ride them. That was, in fact, stimulating a war among classes—an offence of which his (Mr. Bright's) party had never been guilty. The noble Marquess the Member for Stamford (the Marquess of Granby) was one of the most consistent and honest in the whole ranks of the Protectionist party. Whether in this House or out of this House he always spoke in a tone of sincerity and conviction; and if it be true that you are going to deceive the farmers, I am not surprised that he does not form one of the Cabinet, for I am sure he would not sit at the Council table and countenance an ambiguous policy, a policy which would be likely to destroy all confidence in public men. I see the hon. Member for East Somersetshire (Mr. Miles) opposite, and he, I am sure, would not conceal his opinions, or be a party to deceiving the farmers of England. It is on this cry of protection that you built up your party. It is on this cry that the *Morning Post*, the *Morning Herald*, and the *Standard* have been writing those dreary leading articles which some of us at least have felt it to be our duty to read. But you have done something more than built up a party and attained office upon that cry of protection to agriculture. To this part of your conduct I must specially call your attention. You have charged us, the hon. Member for Wolverhampton (Mr. C. Villiers), the hon. Member for the West Riding (Mr. Cobden), my right hon. Colleague (Mr. M. Gibson), myself, and others who have acted with us, with being the destroyers of the native industry of the country. Again, the right hon. Gentleman the Colonial Secretary (Sir J. Pakington) has made many a loud lament in this House upon the alleged destruction which the noble Lord (Lord John Russell) is said to have brought upon our West Indian colonies. And the hon. Gentleman the Member for Scarborough (Mr. G. F. Young), who was to have been Vice-President of the Board of Trade, but who, I presume, on account of ill health, declined to take office, has passed some years in asserting the destruction of the shipping interests. Then, you have taunted the late Government with having been the tool of Manchester; and your perpetual argument has been that Manchester and the Manchester policy are hostile to the welfare of large classes of this country. Yet, after all this, you ask us to allow you to be quiet. You say we must show you forbearance because your difficulties are extraordinary. Well, we know they are. But your difficulties are not of our making: they are the difficulties of an impossible policy. And this, I tell you, is a difficulty we will not allow you to escape from; either you shall recant your protectionist principles, or you shall go to the constituencies and let them decide the question, once for all, and for all of us. The right hon. Gentleman the Chancellor of the Exchequer, and the noble Lord the First Minister, in another place, have referred to the humble labours which you, as a Government, are willing to undertake. We have no objection to the humility of your tasks—we think there has been a sufficient humiliation in your labours while in opposition. But there is one humility I do hope you will not stoop to, and that is, the retaining office not only when you can't carry your principles, but when you dare not even avow them. I will be more frank than the right hon. Chancellor of the Exchequer, who never promises candour but he becomes unwontedly mystic. I tell you we want a dissolution—we want the question so long at issue between you and us referred at once to the only tribunal that can adjudicate upon it; and we feel a confidence, which no intelligent man in your ranks feels with regard to your ancient principles, that that adjudication will be in favour of the policy of 1846. If you felt that your policy had a chance, you would appeal at once in its favour. The right hon. Chancellor of the Exchequer says that you are popular, and he refers to the funds. But then, the French funds have been rising for some time, and no one will pretend to say that the intelligent and liberal classes of France feel any rejoicing in what has of late been done in Paris. Your press boasts, in proof of your popularity, that your Ministers have been re-elected without opposition. Your press talks of the "remarkable unanimity." No doubt—unanimity between Lords Exeter and Egmont. Let us see what these Ministers are, as representatives of the people. I am not going to say that their position is any fault of theirs; it is the fault of the system, which I want to amend, but which they are not amending, or proposing to amend, but, on the contrary, objecting to any amendment whatever. Take your President of the India Board, who professed to represent 9,000 persons, that is, men, women, and children; but, of course, his real and only constituent is the Marquess of Exeter. Take your Colonial Secretary. The right hon. Gentleman, I believe, has the good fortune to return himself; and, as might be expected, the right hon. Gentleman lives in a state of unparalleled harmony with his constituency. Take the Secretary of State for the Home Department—a right hon. Gentleman whom no person in the House regrets to see in such a position as that which he now occupies. The right hon. Gentleman represents nominally a constituency of 7,021 persons; but when we come to analyse, we find that the whole population represented by those three Members of the Cabinet is 23,050 men, women, and children; while the whole number of electors electing them, including the double qualifications, and all others requiring to be struck off, is 1,212 persons. I think, now, that that is a matter you ought to bear in mind, and, if you don't, I can tell you the country will. I may refer to other instances. Then there are the boroughs of Buckingham, Chichester, Petersfield, Lisburn, Enniskillen, and Portarlington; and I may point to the law officers of the Crown, particularly to the hon. and learned the Attorney General, who sits for a population of 9,954, with an electoral list only of 241 names; and I defy the hon. and learned Gentleman to deny that at the election in 1847, the bribery and corruption, on both sides, in that borough of Abingdon, were such that both petitions were withdrawn, out of an apprehension that the borough would have been disfranchised had they been persevered in. I may turn now to the hon. and learned Gentleman who has spoken to-night (Mr. Whiteside), the Solicitor General for Ireland; and I find that, with all the enthusiasm in favour of protection in Enniskillen, and notwithstanding the aid of the Earl of Enniskillen himself, the hon. and learned Gentleman was not able to poll more than the magnificent number of eighty-one votes. I will not refer to Portarlington, for I believe the hon. Member (Colonel Dunne) is sufficiently conscious of his delicate position. Does all this prove that you are popular? At any rate it proves that the representation of this country is in a bad and vicious state; and I warn you that if you proceed in governing the country through these nomination counties, which the Earl of Derby once described so well, or through these little pocket boroughs which have sent you here, you will be the men who will weaken the attachment of the people of this country to the institutions under which they live, and that you will be the men who will be breaking down the barriers to that democracy which you say you so greatly dread. But I am asking you to go to the country, and yet I am afraid I am using arguments not likely to induce you to take that advice. Let us see what course you are pursuing. There are two boroughs in Lancashire, the boroughs of Blackburn and Bolton, which, to their everlasting disgrace, have returned, during this Parliament, Members who call themselves manufacturing Members, who voted in favour of protection, if not on all occasions, generally with hon. Gentlemen on the Ministerial benches. I now hear, on what I believe to be undoubted authority, that these Members intend to pledge themselves at the coming election never to consent to any reimposition of a duty on corn. I cross the hills between Lancashire and Yorkshire, and I come to the borough of Halifax. I am not able to speak positively, but it is rumoured that the hon. Gentleman who supports you, the Protectionist Government, as Member for Halifax, is coming out, now, for free trade; and I feel sure that if he does not really do what it is rumoured he will do, he will never return to the House as the representative of Halifax. I go on to Wakefield, and I find that the hon. Gentleman who has supported you by his speeches for the last few Sessions is now addressing the electors of Wakefield as a free-trader. I am further informed that the city of York, surrounded as it is by old walls, is penetrated with modern and rational sentiments; and that the Gentleman at present representing it, as a Protectionist, has no chance of coming back on those principles again. I come down to Kidderminster, and I am informed that the hon. Gentleman who has sat among you as a Protectionist is offering himself again to the constituency of Kidderminster on free trade-principles. [An Hon. Member: No; he has done no such thing.] Well, I heard so on good authority; but if the hon. Gentleman contradicts me, of course I retract what I have said. Look at Bristol. Your candidate at Bristol has ran away. I beg to call the attention of the Committee to the city of Bath. There is a statement in the papers that an hon. and learned Gentleman, I believe a Queen's Counsel, has been recommended to the constituency of Bath by the hon. and learned Attorney General—a very proper thing to do; but it does happen that the Gentleman in question, recommended by the Derby Government, and wishing to come to this House to support that Government in the next Parliament, confesses, in his correspondence with the Conservative committee of Bath, that though he has a great sympathy (as no doubt we all have) with "suffering interests," he thinks that the necessary "relief" must be given in some other manner than by a direct tax upon food. Now, what I bring all these facts forward for is to show that you are conscious that on an appeal you would not have with you the support of the people of this country, and that, therefore, you dare not, on the question of protection, go to the great constituencies of the United Kingdom. I will call the attention of the right hon. Gentleman the Judge Advocate, the Member for Dorsetshire, to an unhappy incident which occurred in Dorchester within the last two years. There was a meeting held there on the question of protection; and even in the quiet agricultural town of Dorchester, where one would have thought the British lion was especially revered—the result of that meeting was a riot of the most serious character; and in the excitement your agitation caused, one unhappy individual lost his life by a violent and hasty assault made on him on the part of one of the farmers who attended that meeting. Go further north, to the borough of Tamworth. I beg to ask the hon. Member for North Warwickshire (Mr. Newdegate), what the people of Tamworth said as to this question of protection? And if that is not sufficient evidence, I will appeal to the hon. Member for Boston (Mr. Freshfield), and will ask him if he remembers the ludicrous catastrophe of his being kept by a mob on one side of a square, while on the other side his dinner was waiting for him —an admirable retribution for a gentleman in favour of a tax upon food. I am adducing this as evidence to convince you that you cannot dissolve safely for yourselves on the question of protection. There is other evidence. You have all read the account of a meeting in Manchester two or three weeks ago, when the Anti-Corn-Law League was reconstituted. The Earl of Derby, I am told—for I confess I did not read that portion of his speech—referred, in another place, to the subscriptions put down upon that occasion as merely subscriptions on paper. In reply to that, I can assure hon. Gentleman opposite that it positively required arguments on the part of my hon. Friend

(Mr. Cobden) and myself, to prevent those subscriptions, large as they were, from becoming much larger. [*Derisive cheers.*] When I say much larger, I do not mean more numerous—I mean as to the separate amounts; and I do not hesitate to declare, that if there was the slightest attempt on your part to reimpose the duty on corn, there's a great deal more of your policy, besides your Corn Laws, that would not be quite safe. Examine what we did at Manchester. Merely by the distribution of circulars, and with the aid of the press, the subscriptions became at once 27,000*l.*; and the amount has since reached the sum of 62,000*l.*; and still those subscriptions are rapidly increasing. Perhaps, however, hon. Gentlemen would like to refer to Ireland. You have tried how protection stands in Kildare, and you sent to Kildare a gentleman (Lord Naas) against whom probably less could be said than against any other man whom you could have brought forward. Well, he was obliged to retire before the poll was opened. What is going on in Cork? You have got a candidate there, and I will read two or three lines from a speech made in Cork the other day by Lord Bernard, who, in proposing Mr. Frewen for that county, said—

> "They had now a solemn duty to perform in electing a Member for this great county. They had one of two courses to pursue. In returning a Member to the House of Commons, they should support one or other of two great parties in that House. It was perfectly absurd to imagine that any Member of that House could stand neutral in the approaching contest. And what was the issue to be decided in that contest? The sole question was, whether they should have protection to agriculture or not."

Thus is the issue put in Cork; and you have tried that issue in the counties; and all your friends have run away from it, have skulked from it in boroughs: was there ever conduct less reputable? In Cork, the free-trade candidate was sure to be returned by a large majority. Go farther north, to Down. A noble Lord (Lord Castlereagh) in consequence of a domestic tyranny, as unconstitutional as unnatural, was forced to retire from that county. Thereupon the farmers of that county addressed the noble Lord; and in consequence that noble Lord will be put up again for Down, and will stand, along with my hon. Friend the Member for Rochdale, entirely upon free trade and tenant right. [*Cries of* "No, no!"] I state what I have seen in the papers, and what I have heard from a gentleman intimately connected with that county. Could the people of Ireland be persuaded that the Corn Law had been of advantage to them—a people who had had protection for thirty-five years—which, according to the idea of the Gentlemen opposite, should have given them a redundancy of food, and permitted them all to profit by the industry which they pursued—and who at the end of that period were landed in the most calamitous famine known to modern times? I will not speak of the 270,000 Irish dwellings levelled with the ground; or of the 270,000 Irish families driven to the grave, or across the Channel here, or across the Atlantic, to the United States and Canada. But I quote the language of an hon. Friend of mine (the hon. Member for Oldham) used once at one of our meetings of the Anti-Corn-Law League—"The corn law is the harvest of death as well as of the landlord: and Monopoly says to Corruption, 'Thou art my brother.'" It is not possible that you can be permitted to trifle with constituencies as you have done. I will not exaggerate. The state of uncertainty that has arisen, is no doubt only partial; but is only partial, because the belief in your power for mischief is very partial. But if it were thought, for a moment, that you could carry out what I regard as your wishes, and what you have avowed in opposition as your principles, then, indeed, I tell you, you would see a tumult in this country to which the tumult you remember in 1832 would be, in comparison, but as a whisper to a whirlwind. I would ask hon. Gentlemen on the opposite side, whether the present was a state of things which they would call creditable if the noble Lord (Lord J. Russell) was on those benches with his friends, as he was a few weeks ago? The speech of the right hon. Chancellor of the Exchequer, able as it was, was nothing like so clever as it would have been, had he been in opposition, and speaking to the noble Lord and his friends? Who would suppose that a Government would send one candidate to a county to preach protection, and another to a borough to say, "It is all very well as a party cry, but I am a Conservative Free-trader. My hon. Friend (Mr. Cobden) spoke of the effects of this uncertainty, such as it is, on foreign countries. I will speak only of the United States. There is a protectionist party in the United States; and it is a strong party. Another election is approaching there, and there will be a struggle for the Presidency. Now don't you let them in the United States suppose, if it isn't true, that the policy of this country is going to be reversed. For if the Protectionists thought that was to be the case, more money would be subscribed, and still greater efforts would be made by them, because they would have the stimulus of believing that England had tried free trade and had given it up, because it would not work. If you are not, then, for a return to the Corn Laws, say so. I tell you distinctly, that if any of the Members of your Government were to get up and disavow protection, assigning the reason of its injustice, or at least of the impossibility of it, you would be giving the greatest satisfaction to large numbers of Conservatives throughout the country. I say further, that if you will do that, you will not find me voting in any vote of want of confidence against your Government. I will take you and try you, by your measures, precisely with the independence and the honesty of desire to do my duty to my constituents, which I have always exhibited, I hope, in reference to the late Government of the noble Lord (Lord J. Russell). But if you are for protection, and will not say so, then I tell you, we will make war upon you. You said once you would break up an "organised hypocrisy." I say to you, we will try if we cannot break up a confederated imposture. And bad as the representation of this country is—and no one is more conscious of the faults of our representative system than I am—yet I am perfectly persuaded, that if you will dissolve Parliament and go to the constituencies for any duty you like to name, large or small, upon corn, you will find that your ephemeral Government will be scattered to the winds; and that the united voices of the intelligent and free people of this country will condemn the policy you avowed in opposition, and upon the promise of which to your deluded dupes you have scrambled to your seats of power.

The Marquess of GRANBY said, that he had been so pointedly referred to by the hon. Member for Manchester (Mr. Bright), that he hoped the Committee would allow him to offer a brief reply to that hon. Gentleman. The hon. Member had said that he looked upon him (the Marquess of Granby) as a consistent man. Now he hoped he had a right to be so considered, and he was certainly prepared to state that he still retained the opinions he had formerly uttered on the great question then under consideration. It was generally admitted that the free-trade policy had inflicted great injury on large classes in this country, and that in order to repair that injury some means should be adopted to modify that policy. He still thought, as he had always thought, that the best mode of accomplishing that object would be the imposition of moderate import duties on foreign produce, by which the foreigner would be compelled to pay a portion of our taxes, and we should create a revenue by which we should be enabled to repeal other duties which press upon the industry of the country. That was his opinion, and he had no hesitation in telling the hon. Member for Manchester that he confidently believed that the Earl of Derby and the Government of which he was the head would endeavour to carry out that policy if the country would support them. He would say further that it would be absurd and ridiculous—that it would be highly mischievous—to attempt to reverse a policy which had been the law of the land for upwards of five years, if the people of this country were convinced that that policy was just and advantageous. He thought that he should have no difficulty in supporting the Government of the Earl of Derby, when he found that noble Lord speaking in these terms:—

> "I express my opinion that if relief is to be given to the farmer, without any serious difficulty or increase of expenditure being thrown upon the other classes of the community, a moderate duty upon corn, producing a large revenue, and thereby enabling other taxes to be diminished, would be most advantageous to the country, and a most just mode of affording relief."

In these sentiments he (the Marquess of Granby) entirely concurred, and he gave his humble but very sincere support to the Government. Hon. Gentlemen opposite had taken great pains that evening to show that they were not factious in the opposition they were then offering to Her Majesty's Government; but if their conduct was not factious, he was at a loss to imagine what conduct could be so considered. The noble Lord the Member for London had declared, when he had retired from office, that he thought a dissolution of Parliament would be attended with great disadvantages and inconveniences; but would it not be equally disadvantageous, and equally inconvenient at present, so immediately after the accession of the present Government to power? He could not help thinking that the noble Lord the Member for London and his party were anxious to force an early dissolution, because they were afraid that the present prosperous condition of the country, which they attributed to free trade, might soon decline—that the emigration which had set in to the western shores might be directed to our own workhouses—that those drainage works which had been mentioned the other evening by the right hon. Baronet the Member for Ripon (Sir J. Graham) might cease, and that a considerable number of labourers might be thrown out of employment. He should take that opportunity of saying that he had heard the other evening, with great pleasure, the fair and straightforward speech of the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone), who had said he was anxious to give Her Majesty's Government a fair trial, and that the question of free trade or protection should be fairly put to the country at a new election, when they would have an opportunity of saying aye or no to the question. But, on the other hand, he had heard with much regret the speech of the right hon. Baronet the Member for Ripon, because he knew the influence which anything that might fall from that right. Baronet must exercise, not only on that House, but on the country. The right hon. Baronet had addressed a solemn warning to the Government and their party, if they were to dare to assert their principles at the next election. But for his (the Marquess of Granby's) part, the effect of that warning on his mind was much diminished when he remembered the language which had been held by the right hon. Baronet on other occasions. His object in referring to the right hon. Baronet was to show, that eloquent and conscientious as he was, his opinions were not unchangeable, and his judgment not unerring. He referred more especially to one contained in a small work published by the right hon. Baronet some years ago) in which he recommended a fixed duty of 15*s*. per quarter, the establishment of a sinking fund, and various other matters calculated to relieve the agriculturists. He (the Marquess of Granby) trusted that Her Majesty's Government would still continue to pursue the even tenor of their way, and would not suffer themselves to be diverted by any threats or intimidation for doing what they believed to be for the good of the country.

The ATTORNEY GENERAL: It was not my intention to have taken any part in a debate which has been sufficiently discursive; but the Committee will do me the justice to admit that I have been dragged into it by the personal allusions which have been made to me. It is not my intention to trouble the Committee with any observations with regard to the candidate for Bath, for whose opinions I am not responsible, though as a personal friend of my own I sincerely hope he may be successful at the general election; but what I do feel most deeply is the attack which has been made upon my personal character and honour, and which I am desirous of repelling in the most distinct manner. The hon. Member for Manchester has challenged me to deny that at the election of 1847, or after the election of 1847, I entered into a corrupt agreement—["No, no!"]—an agreement not corrupt, then, I suppose—to suppress charges of bribery, in order to prevent the disfranchisement of the borough of Abingdon. That is the distinct charge made by the hon. Gentleman. Now, the Committee may perhaps be aware that at the election in 1847 I was returned by a very slender majority. ["One."] No; two—the result of an extraordinary and rather amusing accident. Two petitions were presented against that return, both of them containing charges of bribery; one of them asking for the seat, the other merely praying that the election might be declared to be void. Hon. Members are aware that when a petition claims a seat, and contains charges of bribery, it is open to the party who is petitioned against to recriminate upon his adversary. Before the period when the Committee was to assemble to try that election, an application—a proposal—was made to me that the charges of bribery should be abandoned on both sides. My answer was this: "I know that personally I cannot be affected. If any agent of mine, or any person for whom I am responsible, has been guilty of bribery, I hope he will be exposed before the Committee; but, whatever may be the result, I will be no party to any compromise whatever." Immediately after that suggestion was made to me, and my answer was given, the petition praying for the seat was abandoned. There then stood the petition which prayed merely that my election might be declared void; and one of the charges in that petition, as I have already stated, was a charge of bribery. I believe the Committee was to assemble on a Monday, and on the previous Friday evening an application was made to me, though from what quarter it proceeded I don't know, and am utterly indifferent, proposing to abandon that petition, providing I would pay the costs of the petitioner. My answer to that application was this: "There is a charge of bribery against me and my agents in that petition. I won't pay a farthing to suppress the charge of bribery, and you may go back with that answer." The answer was taken back to the quarter whence the suggestion proceeded; and in about an hour I was informed that the second petition was dropped. I feel that my honour and character have been assailed, because it is impossible for anybody to say that an agreement to suppress a charge of bribery for the purpose of preventing the disfranchisement of a borough, would not be a corrupt and scandalous agreement. I am anxious—more anxious than I can express—to stand well in the opinion of this House; but I feel that I should not, I ought not for one moment, maintain any character here, if I had been a party to any such agreement as I was supposed to have made, upon what authority I don't know, by the hon. Member for Manchester. I have given the fullest explanation. It is the truest and sincerest; and I should like to know how the hon. Member for Manchester could feel justified in making this charge, without having the smallest materials for it.

Mr. BRIGHT: The Committee will bear in mind, that when I spoke of the borough which the hon. and learned Gentleman (Sir F. Thesiger) represents, I did not make any allusion to any part he had personally taken. None knew better than many hon. Gentlemen opposite that these things are often managed when the candidate has nothing to do with them openly, and often when he is totally ignorant of what is being done. What I stated was, that a petition had been presented against the return of the hon. and learned Gentleman; that the hon. Gentleman's Friends proposed, as he has said, to enter into the case of his opponents; and that parties to the petition in the borough—[*Loud and continued cries of* "Oh!" *prevented the hon. Member from concluding the sentence.*] I never had the slightest idea that the hon. and learned Gentleman would have been a party to any such arrangement. I may appeal at least to the evidence of your own ears. Parties in the borough, as I was informed at the time, and as I have been informed recently, upon what I believe to be very good authority, were apprehensive that the result of an investigation into the conduct of both parties in the borough, might end in its disfranchisement. I was further told distinctly that the known price in the market of the borough of Abingdon was 3,000*l.* I acquit the hon. and learned Gentleman of what I never charged him with. When the Bill of the noble Member for the city of London is passed, if the House allows it to pass, I shall be very glad indeed if the borough of Abingdon comes under its provisions, or if that borough is subjected to the same ordeal which the borough of St. Albans has lately gone through.

Colonel THOMPSON expressed his satisfaction at the certain increase which must in the end arise out of these proceedings, to what he would denominate the just popular influence. The party meant by that term, and their friends, could not fail to be aware of the species of decision to which they were to be referred. They did not think of refusing the reference; because they knew that though "bad is the best," it was the only thing they were likely to have at present. But they were wide awake to the fact, that they were referred to a decision in which the chances were to be ten to one against them;—a decision where every 100 of the opposite side were to have a vote, and every 1,000 of their own. If they took for a specimen the case of the hon. Gentlemen who had just succeeded to the Government, they would find the ten county Members sent by a population altogether less than that of the county of Lancaster. Those ten counties sent twenty-three Members to the House of Commons, while the county of Lancaster sent four. That was six to one against Lancashire. Then the eleven borough Members were sent by two-thirds of the voters in Manchester. Those eleven boroughs sent seventeen Members, while Manchester only sent two; which a little arithmetic would show was in round numbers thirteen to one against Manchester. Putting these numbers together, the aggregate would be found close upon ten to one, as he had said; besides which, the data were three or four years old, and there could not be much doubt which way the alterations would lie. One thing more, he would take this opportunity to impress. He had heard something like a statement that this decision, such as it was, was to be "final." He believed hon. Gentlemen opposite rightly entertained the opinion, that if the decision should be against them, it would be final; but it did not follow that the other side were to entertain the same conviction; and he, for himself and all who thought with him, protested against being bound by any agreement to make anything like a final affair of the struggle now coming on. He requested to be understood as distinctly avowing, that if they should be defeated, they would from that moment begin to move heaven and earth to recover their position. He only hoped there would be "no mistake," and as far as he was concerned there should be none; and that they would at no time hereafter be taunted with having broken an engagement, against which they had done all in their power to protest.

MR. BERNAL: Does the hon. Member for Middlesex divide?

MR. BERNAL OSBORNE said, that the few remarks by which he had brought on this discussion had been intended to extort some avowal of their policy from Her Majesty's Ministers. He had failed in this object. He should not divide the Committee on the present occasion. He had been met on the part of one Member of the Government, the hon. and learned Solicitor General for Ireland, with an imputation on his skill as a debater, which, of course, the hon. and learned Gentleman was quite at liberty to suggest; but the hon. and learned Gentleman had also thought proper to impugn his convictions on a more sacred subject. As to his skill as a debater, he would only say that, at all events, he never indulged in pompous periods of vapid declamations. As to the other matter, he never made professions of pharisaical sanctity—ebullitions of Orange piety engrafted on the zeal and fanaticism of a Latter-day Saint.

Vote *agreed to.*

MAJOR BERESFORD said, he must take that opportunity of protesting against the misrepresentation of what he had said at Braintree, by the right hon. Gentleman the Member for Ripon, and the hon. Member for Middlesex. They had put into his mouth language which he had never made use of. He now begged to move, "That a sum of 3,602,067*l.* be granted for Her Majesty's Land Forces."

MR. HUME hoped they would not proceed further at that hour of the night.

The CHANCELLOR OF THE EXCHEQUER hoped the Committee would consent to grant this Vote only, and he should not propose taking another that evening. Sufficient opportunity to renew any discussion connected with the Vote would afterwards occur.

MR. HUME did not wish to cast any reproach upon the right hon. Gentleman, but he thought at that late hour it was not advisable to proceed any further.

LORD JOHN RUSSELL would also suggest the propriety of reporting progress. It was unusual, without any explanation, and at so advanced a period of the evening, to propose such a Vote. He hoped, as the Committee had voted the number of men, there would be no objection to withdraw the Motion.

MR. GLADSTONE did not understand if the Government had agreed to report progress. The proposition of the hon. Member for Montrose (Mr. Hume), and the noble Lord (Lord J. Russell), was perfectly fair. He thought the votes given the other night on the Navy Estimates, showed an indication that there was no disposition but to deal fairly with the Government; but he must say, with reference to their duties to the public, it was not desirable, as a general rule, at such an hour of the night to ask for these Votes.

Vote withdrawn. House resumed.

OUTRAGES IN IRELAND.

MR. NAPIER moved that the Select Committee on Outrages (Ireland) should consist of fifteen Members.

MR. MONSELL said, that though the right hon. and learned Gentleman had stated that the inquiry was to be confined to only three counties in Ireland, yet from the whole tenor of the speech he made to the House, it was perfectly evident that he contemplated some changes in the law which extended not only to those three counties, but to the whole of the rest of Ireland. Under those circumstances he had read the list of the Committee with great surprise, because, though the south of Ireland was deeply affected by the inquiry, it had not a single representative in the Committee. Taking into account the very grave changes the right hon. and learned Gentleman proposed to introduce—grave in any country, but particularly so in a country so divided as Ireland was into different classes, unfortunately too often hostile to each other, he thought it would be much better to postpone the appointment of the Committee until the House had an opportunity of considering the names of those who composed it.

MR. NAPIER said, he had selected those Gentlemen whom he thought most qualified to sit on the Committee, and only six of them were at all connected with the Government. It was somewhat difficult to make a selection, but he believed he had made the best choice open to him.

MR. REYNOLDS hoped the request of the hon. Member for the county of Limerick (Mr. Monsell) would be acceded to. The Committee was objectionable, because seven out of fifteen of the members of the Committee were Englishmen. He wanted to know why the hon. Member for West Surrey (Mr. H. Drummond) was upon the Committee, and why the hon. Member for Rochdale (Mr. S. Crawford) should be omitted? The provinces of Munster and Connaught were not at all represented on the Committee, nor were the tenantry of Ireland at all represented there. He objected to proceeding with the nomination of the Committee to-night. It was, if not a packed jury, at least a selected one. The jury ought to be recast.

MR. SHARMAN CRAWFORD said, it was not his wish to be put upon the Committee, but thought it ought to be so constituted as would entitle its report to the confidence of the Irish people.

MR. CHISHOLM ANSTEY trusted that the Committee in its present shape might be agreed to, and that other names might be added to meet the views of the hon. Member for the county of Limerick. For his own part, he regarded the presence of the names of English Members as a guarantee of the fairness with which the inquiry would be conducted.

MR. SCULLY recommended the postponement of the Committee for the present. The question with which this Committee had to deal was essentially an Irish one, and ought to be thoroughly sifted.

MR. WALPOLE said, he was willing to substitute other names in order to meet the views of the objectors to the present list. If it was thought that the interests of the south of Ireland were at all neglected, he was perfectly willing to add such names as would inspire a greater amount of confidence.

MR. M. J. O'CONNELL was anxious to see the name of the right hon. Baronet the Member for Ripon on the Committee. The right hon. Member for Hull (Mr. Baines) also, had given valuable evidence on the subject to be investigated; and the hon. Member for Manchester (Mr. Bright) had paid much attention to the condition of that portion of the people of Ireland in whom it was said the crime and outrage complained of had originated.

Committee *agreed to.*

The House adjourned at a quarter after One o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, March 22, 1852.

MINUTES.] PUBLIC BILLS.—1ª Personal Estates of Intestates; Proclamation for Assembling Parliament.

2ª Patent Law Amendment.

PROCLAMATION FOR ASSEMBLING PARLIAMENT BILL—BRIBERY AT ELECTIONS.

LORD BROUGHAM said, he would solicit the attention of his noble Friend opposite (the Earl of Derby) to a Bill for removing what he (Lord Brougham) thought was a great omission, through an oversight, in the statutory laws, touching the assembling of Parliament by proclamation of the Crown. Their Lordships were aware that, partly by usage and partly by statute, a period of fifty days must now elapse between the issuing of a proclamation for summoning a new Parliament, and the day fixed for its assembling. The 22nd Article of the Treaty of Union with Scotland required fifty days for the assembling of the first Parliament—twenty-five being necessary for the election of Scotch Peers; hence the former period required by statute, as well as by the common law, of forty days, had been extended to fifty; but since the Act of Union passed, the twenty-five days for the election of Scotch Peers; had been reduced to ten, namely, by an Act of last Session; and it followed almost as a matter of course that thirty-five days would now be quite sufficient.

The EARL of DERBY was understood to ask the noble Lord if he proposed to make the shorter interval compulsory?

LORD BROUGHAM said, by no means. The Bill he was about to present would save a fortnight of the interval now required between the proclamation and the assembling of Parliament, but would not limit that interval to thirty-five days—it might be fifty or sixty days. It very often did not signify whether Parliament assembled thirty-five or sixty days after the proclamation of the Crown; but he could conceive circumstances might arise which would render the difference between thirty-five and sixty days not only a matter of great convenience to Parliament and the country, but of the greatest possible importance in the transaction of public business; for example, it might make all the difference between very important measures being possible to be passed, and not. His reason for interposing to lay this Bill on the table of their Lordships' House, between his noble Friend opposite (the Earl of Derby) and his noble Friends behind him was, that they could hardly, in their positions, propound such a measure without giving rise to all sorts of conversations and rumours, that they had some immediate object in view; but no such suspicion could attach to him, and entirely with a view to purposes of public convenience, he felt it his duty to lay the Bill before their Lordships.

The noble Lord then *presented* a Bill to shorten the time required for assembling Parliament after a Dissolution thereof.

Lord BROUGHAM proceeded to say, he could not mention the subject of the dissolution of Parliament without imploring the attention of their Lordships (not for the second, third, or fourth time, and he feared not for the last, of times without number), to the absolute necessity of taking immediate, stringent, effectual measures, if possible, to put down the bribery and corruption practised at elections. He had called their attention to this important matter before and after the two last general elections. There was now once more the prospect of a general election. He need not remind their Lordships of the scenes which took place at the last, to the disgust of all observers, to the injury, almost the irreparable injury, of the character of this country; to the spread, to the grievous spread, of immorality among the people; and to the great mischief of debasing the elective franchise in the eyes of its possessors, and even rendering its exercise of doubtful advantage to the State. He hoped some effectual measure might at length be brought forward and adopted by the other House of Parliament, as well as by their Lordships, for putting a stop to this crying evil. It was not merely the political corruption and the personal corruption of the voter who took a bribe, which was the consequence of the prevailing practices; but a worse crime still was intimately connected with it, and gave a deeper colour of guilt to the transaction. No voter took a bribe without committing, morally, the guilt of perjury, because every voter knew when he took a bribe that he was liable to have, and might very possibly have, and in all cases of keen contest would most probably have, the bribery oath administered; and even if it should not be administered, he incurred the moral guilt of perjury, because in ninety-nine cases out of one hundred, he received the bribe with the firm determination to take the bribery oath, to forswear himself, and knowingly and wilfully to commit perjury if the oath was administered to him. He committed perjury as much, morally speaking, even if he escaped, or fancied he should escape, by the accident of the oath not being tendered to him, and he had the guilt of perjury on his conscience as much, morally speaking, as the highwayman had the moral guilt of murder upon his conscience when he went out determined to attain his object of taking the property of his victim, by taking his life, if need be, either to accomplish his fell purpose, or to prevent, if recognised, the discovery of his offence. He hoped and trusted the only effectual remedy which was applicable to the case, would be at length applied—he meant, not only the giving increased facilities to the investigation of complaints, by compelling persons examined to answer questions tending to criminate themselves, and, if it should be needful, protecting them against all legal consequences of their disclosures; but beside that, his firm belief was, they would never put an end to the practice until they had, of necessity and compulsorily, from each Member, before taking his seat, a stringent, thorough going, sifting declaration, that he had, neither directly nor indirectly, participated in, or known of, or believed or suspected that any bribery had been practised, or anything in the nature of bribery, on his behalf. He (Lord Brougham) would not require the declaration upon oath, but upon honour and conscience, which no man would dare to make colourably, if any voter could convict him of it, because afterwards no such man could hold up his head in society. That was, he believed, the most effectual remedy, and at the same time it was not open to the objections which justly applied to tests in general.

The Earl of DERBY said, with regard to the first question mooted by the noble Lord, there could be no objection to the Bill being laid before their Lordships; and he thought the shortening the period necessary between the dissolution of Parliament and its reassembling, might be a matter of extreme importance. With regard to the second subject, he did not wish to enter upon the general discussion for preventing that which all of their Lordships must be desirous of preventing—namely, the extended, and, he feared he must add, the most rapidly extending system of bribery at elections. He quite concurred with his noble Friend that the attention of Parliament could not be better directed than to providing a remedy; and a Bill for that purpose had been introduced by Her Majesty's late Government into the other House of Parliament. That Bill, in all its essential provisions, had been adopted by Her Majesty's present Government, and was now under the consideration of the other House of Parliament.

The MARQUESS of BREADALBANE observed, that the noble and learned Lord had stated to the House the great evil of the present practice, and that too stringent a punishment could not be inflicted on the persons corrupted by it. In his opinion the corrupter was a far greater culprit than the corrupted, and their Lordships could not do better than give their attention to that point. A severer punishment ought to be inflicted on those who induced the poor to sell their privileges for money, than on those who sold them. The man who gave money as a bribe, was far more guilty than the man who received it.

HOUSE OF COMMONS,

Monday, March 22, 1852.

MINUTES.] PUBLIC BILLS.—1° County Courts Further Extension; Mutiny; Repayment of Advances Acts Amendment (Ireland); Marine Mutiny; Secretary of Bankrupts Office Abolition.

PUBLIC BUSINESS—EXPLANATIONS.

On the Order of the Day for going into Committee of Supply,

LORD JOHN RUSSELL said: Sir, I am desirous of recalling to the House what has taken place since last Monday on the Committee of Supply. On Monday last I was anxious to obtain an explanation with respect to the intentions of the Government, and their course of policy as to their measures in the present Session. We were told then that as they were in a minority in this House, as there was a large majority against them, they could not bring forward measures with regard to their commercial policy. But we were told also, that they did intend to bring forward measures of considerable importance, which would lead to a Session of at least the usual length. Now, it struck me, and many Members of this House, in the course of debate, that this course was one so unusual and so unconstitutional, that it could not be acquiesced in. It would have been neither irregular nor unusual to have asked the forbearance of this House on the ground that the new Government had not a majority in this House; or it would have been perfectly competent for them, when they had a majority, to have brought forward their measures in due course before the House. But to appeal for forbearance to withdraw for a time from one class of measures on account of being in a minority, and to claim confidence with regard to others on the ground of their being likely to command a majority, was a contradiction that could not well be explained. At the end of Monday evening, however, after a debate, being very unwilling that there should be any vote of this House which would have the effect of limiting the Supplies to a given period, by declaring an opinion in this House in a resolution adverse to the course which the Government were about to pursue, I asked the right hon. Gentleman the Chancellor of the Exchequer whether the Government would consider, before Friday, what course they meant finally to take. It appeared to me that that was a fair and conciliatory course. It certainly was my intention, in putting that question, to prevent any lengthened debate and any adverse vote of this House immediately on the formation of the new Government; but the right hon. Gentleman did not seem so to consider it, and only answered me with taunts and sarcasms. On the Friday, however, a statement was made by the right hon. Gentleman with respect to the course which the Government meant to pursue. That explanation was somewhat ambiguous; but I have heard from others that a statement has been made elsewhere by the noble Lord at the head of the Government, which seems to indicate more clearly the course which the Government of which he is the chief, intends to pursue. I understand that that noble Lord did not complain at all of the question being put to him by those with whom I have no party connexion, as to the view which he will take of the present position of the Government.

He stated, what he was perfectly right in stating, that he could not bind himself or his Colleagues to dissolve Parliament at any particular moment; that there might be circumstances—that there might be certain contingencies, which would prevent his giving that advice to Her Majesty; but that as soon as those public measures which he conceived to be of urgency and importance should have been proceeded with, he would advise Her Majesty to dissolve the present Parliament, not absolutely in April, May, or June, but as early as should seem to him expedient, with the view of reassembling before the close of the autumn. It appears to me that that statement is so far a satisfactory one that I think, as matters at present stand, it is most advisable we should proceed at once to consider the Army and Navy Estimates; and I trust, for my own part, that the necessary votes in Committee of Supply will be agreed to without much further discussion or delay. There is another class of Estimates which it is not necessary to say anything about now, because they must come on at the latter part of the Session, after we shall probably have a better knowledge of the intentions of the Government; but it is quite clear, after the intimation given of the intention to dissolve the present Parliament in April, May, or June, that there will be such a ferment in the country with a view to a new election, such a canvassing in the different counties and boroughs throughout the United Kingdom, that it will be for the public convenience that that dissolution should not be delayed longer than the exigencies of the public service require. There was, as I am informed, only one measure mentioned by the noble Lord at the head of the Government, as to the introduction of which the right hon. Gentleman the Secretary of Stane for the Home Department has at present given notice. It is that with regard to the militia. Now, that is a measure which, so far as I am concerned, I should be most willing to see introduced. I shall certainly not, therefore, interpose any obstacle in the way of its introduction; but of course I cannot now pledge myself further on the subject. When the measure is before the House and the country, it will be for this House to judge whether it is a measure which they can adopt; and of course I must, as others will, be at liberty to form my opinion upon that measure. With respect to any other measure which the Government may introduce, of course it will be competent for this House, if they should not think it necessary to entertain measures which are not of urgent importance, to postpone the consideration of such measures to a future Session; and I need not, therefore, make any further inquiries on this head. Such being the state of things, if the House will take the view which I take, I should propose to the right hon. Gentleman the Chancellor of the Exchequer that another day be given to the Government for the forwarding of their measures—that Thursdays, for example, should be given to Orders of the Day, and that Government Orders of the Day should have precedence of all other Orders on that day for the remainder of the Session. There is another subject, that refers to the Miscellaneous Estimates, upon which I wish to ask a question from the right hon. Gentleman the Secretary of State for the Home Department. I understand there is to be an inquiry with regard to the National Board of Education in Ireland and the system pursued by that board. I understood the right hon. Gentleman to say that he did not propose that any inquiry should take place during the present Session. I think that any alteration of that system would be a matter of the very greatest importance; and I know it is the opinion of Lord Lansdowne, that if any alteration of the kind that I have heard suggested should take place, combined education would cease to be the rule, and would become the exception, and that separate education would become not the exception but the rule. Such a change would be, in my judgment, a great misfortune, and I hope that if any vote should be proposed for the present year, it will be according to the rules now existing, and that no change in the Irish Board of Education will take place without some inquiry and some proceedings in this House by which such a change may be sanctioned. My opinion is, that such a change as has been projected, or has been supposed to be in contemplation, is one of the very greatest consequence, and fraught with great mischief; because that system of combined education, introduced into Ireland by the present Prime Minister, has been, among other means, the most effective, and the most successful, in bringing Protestants and Roman Catholics together, and has tended greatly to mitigate the sectarian animosities which formerly prevailed. But if the Protestant education should be given separately, and if the Roman Catholics should be educated separately, there would be the same agitation renewed, on that as on other subjects. If the Roman Catholics were educated in separate schools, the Vote would be objected to, and the whole scheme of combined education would be at an end. I hope that, at present, without any inquiry having been made or resolution proposed, no change will be made in this Vote.

Mr. WALPOLE said, he had stated, on a former occasion, that it was not proposed or intended by the Government to make any alteration in the mode in which the grant was distributed, until a Select Committee was appointed to inquire into the system. He had said that if they did move for an immediate inquiry, it was not their intention to supersede the essential principle of that combined education which had been established in Ireland, but that their object would be to see that the grants made for education in Ireland should be so distributed as to give satisfaction to other parties in Ireland, and amongst others, he had no hesitation in saying, to the members of the Established Church, who certainly did not participate in due proportion in the grants at present. He agreed with the noble Lord that combined education should be not the exception but the rule; but the Government thought that, consistently with the maintenance of that principle, some alteration might be made that would give satisfaction to all parties.

Lord JOHN RUSSELL said, he merely wished to have the assurance from the right hon. Gentleman that no alteration would be made in the application of the grant for the present year.

Mr. WALPOLE said, he could answer that distinctly—that no such alteration was contemplated. They did not wish to do anything which would disturb the rule. He wished to make one remark on something that had fallen from the hon. Member for Middlesex (Mr. B. Osborne) on Friday night. He had understood the hon. Member to say that the Lord Lieutenant of Ireland had selected his chaplains from that branch of the clergy who were distinguished by their hostility to the National System of Education. He (Mr. Walpole) had authority from the Lord Lieutenant to state that the selection was not made with that view, and that the first seven were ministers of the Church of Ireland who were in favour of that grant, and that the only object the Lord Lieutenant had in view in selecting his chaplains was to appoint men whose life and conduct gave the greatest satisfaction.

Mr. BERNAL OSBORNE said, he entirely coincided in the view that had been expressed by the noble Lord (Lord J. Russell) as to the proceedings in reference to the supplies. If the right hon. Chancellor of the Exchequer had been as explicit in his place on Friday night as the Earl of Derby was in another place, he should have made no attempt to delay the supplies. But the right hon. Gentleman, in professing to be most frank, had mystified the subject more than he had done before. He (Mr. B. Osborne) should not further oppose the proceeding with the supplies; but in reference to the course about to be pursued by the Government, as to National Education in Ireland, he must say the explanation of the right hon. Home Secretary had been most unsatisfactory and evasive. It appeared to him the Government were going to play the same game with Protestantism in Ireland and in this country as they had played with Protection. It was said they did not intend to alter that system. The term now for all these measures was "modification;" but the right hon. Gentleman said they would endeavour to give satisfaction to the clergy of the Established Church in Ireland. What did that mean? The long and the short of it was that they meant to upset the system of National Education in Ireland; for he would defy him, or any other Member of the Government, to give satisfaction to that portion of the Church Establishment in Ireland, without completely, not modifying, but destroying, the system of National Education there. With respect to the appointments of the Lord Lieutenant, it might appear from what the right hon. Gentleman said that the present Lord Lieutenant was the only person who had selected chaplains for the purity of their lives. Why, of course, they all did that. Of course, all chaplains were selected for the purity of their conduct. But he maintained that the two first selected, the Rev. Mr. Goulde and the Rev. Dr. Singer, were two men distinguished for their opposition to the system of National Education. He hoped this question would be brought on early in the ensuing Parliament, and that the financial Secretary of the Treasury (Mr. G. A. Hamilton) would not go and tell one story to his constituents in Dublin, and another to that House, but would stick to the Motion he had placed on the paper for a modification of the system; so that the systems of protection and education might be fairly brought forward at the earliest possible moment in the next Parliament.

VOLUNTEER RIFLE COMPANIES.

Order for Committee of Supply read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

SIR DE LACY EVANS begged to move in the way of amendment on the Motion for going into Committee of Supply, the Resolution of which he had given notice. He could not help thinking that, in rejecting the services of the Metropolitan Volunteer Rifles, the Government had pursued a course equally inconsistent and injudicious. It was, indeed, most inexpedient to have done so, for it ought not to have escaped the recollection of the Government, that at periods of our history when there was well-founded apprehension of a foreign invasion, it was owing in a great degree to the patriotic activity of volunteer corps that the horrors of such a calamity were averted. He hoped that the Government would reconsider what they had done in this matter, and give such an explanation of their views as would tend rather to encourage than depress the readiness which the people of this country had, in many places, manifested to form themselves into volunteer companies. The letter addressed by the right hon. Gentleman the Secretary of State for the Home Department to the Lord Lieutenant of the County of Middlesex was certainly of a very depressing character, and was regarded by the members of the Metropolitan Rifle Corps as tantamount to a refusal of their services. The right hon. Gentleman stated in that letter that the Government did not intend to sanction such clubs until their plans on the subject of the militia had been fully matured and discussed in that House—unless, perhaps, in some few instances of absolute necessity, and that they did not regard the county of Middlesex as furnishing such an instance; but in this, in his (Sir De L. Evans's) opinion, they were greatly mistaken—for if there was one point in all England which, in case of a foreign invasion, would be more valuable than another, that place was the centre of the county of Middlesex. Some declaration of the present intentions of the Government on this subject, ought to be made with as little delay as possible, for nothing was more to be deprecated than the circulation amongst the public of the notion that offers of volunteer services for the defence of the Kingdom would be sure to be received in a cold and ungracious manner by the authorities of the State. He (Sir De L. Evans) was astonished there should be any delay whatever in accepting this offer. It was supposed that the members of these corps would be exempt from serving in the militia; but he saw no necessity for such an exemption. Being a military man, his own feelings were, of course, strongly in favour of a regular army; but he would not underrate the importance of such services as might be rendered by volunteer companies, for he could not forget that it was by such forces that the Swiss had been rescued from the yoke of Austria—that the Dutch had overthrown their Spanish masters—and that the Americans had erected themselves, despite of England, into an independent State. He hoped that the right hon. Gentleman the Secretary for the Home Department would give a satisfactory explanation of his letter to the Lord Lieutenant of Middlesex, and make such a statement as would prove that the public had no distrust of the people of this country, and that some misapprehension, arising from extreme pressure, had alone led to the idea that they were disposed to regard with disfavour the proffered services of volunteer companies.

MR. HUME, in seconding the Amendment, said that though he had, on two nights, objected to any Votes in Supply being taken after midnight, he had heard with satisfaction the statement of the noble Lord (Lord J. Russell), that he did not intend any further to interrupt and stop the supplies. He (Mr. Hume) thought every facility ought to be afforded the Government for obtaining the supplies, which would have been given to the late Government, in order that they might proceed with the measures they thought to be absolutely necessary before the dissolution. The proceedings in that and the other House must have satisfied every one that it would be impossible for the Government to refuse the appeal to the country, so soon as what were considered measures of necessity were passed. It was probably the first time in his life that he had refrained from opposing Votes in Supply. But he thought that the best policy was that which had been adopted by the noble Lord the Member of the city of London, as far as the Army, Navy, and Ordnance Estimates were concerned. Should there be any hesitation about carrying out the understanding for a dissolution, it might be a question whether the Miscellaneous Estimates should not be voted for a short period in order to enforce it. He did not believe the noble Lord was aware of the opinion of this country with regard to the militia. In 1831 the whole population was roused in angry opposition to the proposal to ballot for the militia; and nothing but the most immediate necessity would warrant such a conscription. He hoped the Government would not consider that as one of the measures requisite to be passed before a dissolution. As long as he was able to stop such a proposal, he would do so. He was the more confirmed in his view after hearing what had been stated by the gallant General. If the Government wanted force, there were volunteers to be had without fee or reward, one of whom was worth five obtained for hire. So far from thinking that any additional force was required, he believed it to be too great at present.

Amendment proposed—

"To leave out from the word 'That' to the end of the Question, in order to add the words 'in the opinion of this House it is inconsistent, on the part of the Government, to propose an augmentation, however small, of the armed and paid Forces of the Country, while they, at the very same time, refuse, and in effect discountenance and discourage, the highly laudable, patriotic, and chivalrous offers of gratuitous service from various parts of the Kingdom, having for their object the formation of Rifle Companies and Regiments for the National defence,' instead thereof."

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. FOX MAULE said, he must deprecate a debate upon such a question as that raised by the Amendment, and without pledging himself to any particular scheme of any kind, was anxious that the Government should be permitted to lay their Militia Bill upon the table on as early a day as possible. He had his own opinions on the subject of volunteer companies. He thought that such a force might be very serviceable as a secondary corps to support a regular army, or to support any force regularly combined; but he should be very sorry to entrust the entire defence of any country to such an armament as volunteer companies.

Sir ROBERT H. INGLIS said, he had heard with pleasure the statement of the noble Lord (Lord J. Russell) that he would interpose no further delay to the House passing the Votes of money or of men. He had heard also with pleasure the cheers of hon. Gentlemen around the noble Lord at that statement. As for the noble Lord himself, he would be an unnatural parent if he did show some paternal anxiety and fondness for his own Estimates, and more especially as right hon. Gentlemen opposite were merely doing the work of the noble Lord and the late Government. If that were so, and if no ulterior object with respect to a dissolution was in view, he could well understand the noble Lord and his Friends supporting the proposals they themselves had originally made. He had, however, to express a humble hope that the acts of his noble Friend and of those who cheered him, would correspond a little more to that hope than they did on Friday last. On that day, hon. Gentlemen who had avowed their desire for an early dissolution, occupied the House with eight hours of debate, and without even the consolation of a division after all. He did not deny that there were two or three good speeches, but he questioned whether there was any necessity for those speeches being made. An Amendment was now interposed with respect to a question which would be legitimately discussed on Monday next. They had also had a speech from the hon. Member for Middlesex (Mr. B. Osborne) on the subject of Irish education, which the right hon. Secretary of State had told them Government did not intend to interfere with this Session. If they were all agreed the Parliament should be speedily dissolved, he submitted to those hon. Members who interposed Motions, how far such discussions were consistent with their glowing desire for an immediate appeal to the country on the question of protection?

Mr. BRIGHT said, he had understood the noble Lord (Lord J. Russell) to give the Government to understand that upon certain conditions no further discussions likely to protract their proceedings would take place from that side of the House—that the Votes which were necessary, and which any Government would require, should be agreed to with as little delay as possible, the Mutiny Bill passed, and, he presumed, the Bill for the disfranchisement of St. Albans, to which there appeared to be no opposition. On other questions there was no difference of opinion, except on that of the militia. The noble Lord had not been treated very civilly on that question; he had not been allowed even to bring in his Bill; but he now proposed, with a magnanimity not always to be found on the Opposition bench, to allow the Bill of the Government to be laid on the table. To that he (Mr. Bright) had no objection; but he would recommend the right hon. Chancellor of the Exchequer, as the Bill was not a mere formal measure, and would create a great discussion in the country, after laying it on the table of the House, to let it remain there, and be one of those subjects of general policy on which the right hon. Gentleman and his chief proposed to go to the country, as soon as they had got rid of the question of protection. It was peculiarly one of those questions which ought to be discussed by the constituencies; because the noble Lord's Bill proposed to affect a particular class of the community, men between the ages of twenty and twenty-three. It was a great question—first, whether we required any additional defence; secondly, whether it should be provided in that way; and, thirdly, whether it should be made to bear upon a particular class of the community in that manner. And it would be exceedingly unjust to the community, and going beyond the proper duties of that House, except in a case of emergency such as had not been laid before them, to attempt to settle a question like that in a Parliament just about to be dissolved, and altogether disorganised, owing to the election ferment now spreading through the country. He hoped the noble Lord (Lord J. Russell) did not give the right hon. Gentleman the Chancellor of the Exchequer the slightest expectation of assistance in the carrying of that important measure, during the few remaining days or weeks, as it might be, of that Session. He presumed the right hon. Gentleman would bring the affairs he intended to submit to the House within the smallest possible compass; for it was certain that many Members were suffering severely in their pockets every day that the House was not dissolved. The demoralisation which, under the present system, took place at every election, must be materially increased if the elections were unnecessarily delayed.

SIR JOHN TYRELL said, he did not rise to prolong the discussion, but to express to the noble Lord opposite (Lord John Russell) his opinion that he had been guilty of a great error in the proceedings of Friday night, and that he was convinced, from what had occurred to-night, that the noble Lord had in some measure come again to his senses, and now perceived that in the course which he had been induced to take in endeavouring to enlarge the basis of his opposition, he had been considerably mistaken. He had to congratulate the noble Lord on the change which had taken place to-night, and on the fact that he had not that night thrown out his skirmishers to raise a debate for which there was no "consumption" in the country. The noble Lord, in the first instance, appeared inclined to treat the Government in the dog-in-the-manger style, but now he stood in a different situation. As regarded the Opposition, he had no hesitation in saying that there were two. The Chesham-place party might be considered the broad-bottomed opposition. But there was another, headed by the hon. Member for Manchester (Mr. Bright), which might be styled the broad-brimmed opposition. If the noble Lord consented to receive advice from the "proud humility" of the hon. Member for Manchester, he could only congratulate him on such an ally, because he felt certain if the noble Lord went to the country with the right hon. Baronet the Member for Ripon (Sir J. Graham) as an ally on one hand, and the hon. Members for the West Riding of Yorkshire and Manchester on the other, it would be a most unpopular Opposition. There was a great public actor in London who entirely expressed his (Sir J. Tyrell's) sentiments on the present state of affairs. Mr. Keeley—[*laughter*]—Mr. Keeley said, "Vy are you in a 'urry? Great folks are never in a 'urry. The Government ought never to be in a 'urry." And so he hoped Government would not be in a hurry, and would not allow themselves to be dictated to. Hon. Members on the other side said they were anxious for a dissolution. They paid little or no respect to the wishes of county Members or quarter-sessions justices; but he could assure them that they were not fast asleep as they seemed. They were neither afraid of a dissolution nor of the factious policy of hon. Gentlemen opposite. He regretted seeing so distinguished a statesman as the noble Lord placed in his present position. The noble Lord seemed to have quite lost that natural sagacity for which the public only a few weeks ago gave him credit. If public rumour was to be believed, no small number of the Whig party would not consent to the noble Lord being placed at the head of any future Whig Administration. If that were so, there was an end of the family compact—the supplies had been exhausted—and even the relatives of the noble Lord's great-grandmother would no longer come to his aid. The noble Lord when he found out his mistake summoned his followers, and found that he was forced to avail himself of the support of the resuscitated Anti-Corn-Law League, and to invite the hon. Member for the West Riding to Chesham-place, and the hon. Member for Manchester to dinner. He trusted Government would neither hasten nor retard their measures. They had declared that they were not afraid of a dissolution; and if hon. Members opposite acted on the suggestion of the noble Lord, they would refrain from factious proceedings, and assist the Government to carry out the measures that were absolutely necessary.

Mr. J. L. RICARDO said, that there was one subject upon which the public felt great interest upon which he wished to ask a question, more particularly as there seemed to be some ambiguity thrown upon it by the discrepancy in the statements of the noble Earl at the head of the Government in the House of Lords, and the hustings speech of the right hon. Gentleman the President of the Board of Control. He alluded to the Repeal of the Navigation Laws. The noble Earl said that the repeal of the measure of 1848 would be wrong and unwise; but the right hon. Gentleman seemed to hold a very different opinion. He stated that the percentage of foreign tonnage had increased in a much larger ratio than the percentage of English tonnage. But that was an unfair way to put the subject, because, if from a certain country only one ship entered this country this year, and two ships entered next year, the increase of tonnage would be 100 per cent, while, if our British were to increase to a far larger extent, the percentage might not be so great. The hon. Gentleman, also, seemed to think that they could have no prosperity in this country without a corresponding degree of adversity in other countries. It was explicitly declared by the Earl of Derby in another place, that he utterly and completely abandoned all intention of falling back on the system that prevailed before the repeal of the Navigation Laws. He now wished to know from the right hon. Gentleman—and it was a matter in which the public, on the eve of an election, were entitled to have explicit information—whether it was intended by any means, either by retaliation, prohibition, or restriction, to alter the present policy in respect to their mercantile marine?

Mr. HERRIES said, that he must have expressed himself very imperfectly indeed, if the language he used conveyed anything like the impression which it seemed to have made on the mind of the hon. Gentleman. He (Mr. Herries) had said very nearly the reverse of what the hon. Gentleman had stated as his sentiments. The right hon. Gentleman opposite (Mr. Labouchere) would do him the justice of bearing witness that when the question of the repeal of the Navigation Laws was before that House, he expressed an opinion, and he did so with great regret, that it would be difficult, if not altogether impossible, to reverse that measure if passed. He had even used with regard to it the hacknied quotation, *Vestigia nulla retrorsum.* He had stated as distinctly as possible that by reason of the manner in which that unfortunate measure was carried, an insurmountable obstacle was placed in the way of a future remedy. He believed, therefore, that they could not now attempt the reversal of that legislation. He trusted, however, that some mode might yet be devised for alleviating the distresses of the shipowners. He never said that nothing could be advantageous to this country which was not proportionately disadvantageous to other countries; nor did he ever utter anything approaching to it. He gave instances of the extent in which British shipping had been supplanted by foreign shipping. The hon. Gentleman had not attempted to deny those figures; and, indeed, they were so clear and conclusive, that they could not be denied.

Mr. LABOUCHERE said, he considered the speech of the right hon. Gentleman to his constituents a sort of funeral oration over the Navigation Laws. The right hon. Gentleman said, and said truly, that no Government could materially alter the great measure by which that House had repealed the restrictions upon foreign and also upon British commerce. British commerce having once enjoyed all the new fields of enterprise which the removal of these restrictions had thrown open, that Government must be mad indeed which would attempt to reimpose them. If he had not entered into any discussion on the subject, it was not because he was afraid of entering into a controversy with the right hon. Gentleman with regard to the astounding statement made by him to the people of Stamford. The every prophecy which he (Mr. Labouchere) and others entertaining the some opinion had made, had been fully carried out. He would ask the right hon. Gentleman what was the state of the shipbuilding trade in this country at the present moment, because if the shipbuilding trade was flourishing, the prospects of the shipowners could not be so desperate as the right hon. Gentleman had attempted to represent them. He had no doubt the right hon. President of the Board of Trade had looked into a document in his department, which he (Mr. Labouchere) had thought it his duty to collect, with regard to the present state of the shipbuilding interest, and he would fearlessly assert, that at no period of the history of this country had there been greater activity in the shipbuilding yards than at the present moment. It was said that the consequence of the change would be to transfer shipbuilding to our foreign rivals. But what had been the case during the last two years? Last year 10,000 tons of foreign shipping were admitted to British registry, and this year between 8,000 and 9,000 tons of foreign shipping had been so admitted. On the river Thames we at present were building, on foreign account, a greater amount of tonnage than foreigners had built for us during the whole of the past year. He denied emphatically, therefore, that the repeal of the Navigation Laws gave foreigners any advantage over the shipbuilding interest of this country.

MR. G. F. YOUNG felt that he would be abandoning the position he had ever held on this question if he were not to meet the statements of the right hon. Gentleman (Mr. Labouchere) with a direct and positive contradiction. He affirmed that the shipbuilding trade in this country, and in the port of London in particular, was in a most disastrous condition. The only exception was the foreign orders now executing for ships of war, and not for the merchant service; and the same depression existed in all the ports of the kingdom. A return, giving an account of the British and foreign tonnage employed in the foreign trade of this country, had been laid on the table of the House a few days ago; and he must say he did not understand how the hon. Member for Stoke-upon-Trent (Mr. J. L. Ricardo) could make light of the reliance to be placed upon percentage calculations with such a document as this staring him in the face. The hon. Gentleman, however, had no objection to refer to percentage calculations, when he found them likely to answer his own purpose. By this return he (Mr. G. F. Young) found that the amount of British shipping entered inwards in 1849 was 4,390,375 tons; in 1851, 4,388,245 tons, being a decrease of 2,130 tons in two years. Then, how stood the foreign entries? In 1849 there were entered inwards of foreign shipping 1,680,894 tons; and, in 1851, 2,599,988 tons, being an increase of 919,094 tons. If the state of public business and of his own health had permitted, it was his intention to have moved for a Select Committee to inquire into the effect of the repeal of the Navigation Laws on the navigation of this country. He hoped that inquiry was only postponed, and, if it pleased God, he pledged himself to bring this subject under discussion in a new Parliament. In the meantime, he only hoped the House would suspend its judgment, and not receive as undeniable the statements that were so often made by Gentlemen on the other side on this question.

MR. W. BROWN: I would ask the right hon. Gentleman the President of the Board of Control, if he thought it a misfortune to this country that since 1844 British ships had increased 50 per cent.; and also, whether he thought it a misfortune that last year the British registered tonnage was the largest on record, exceeding that of any previous year? I take the official return of British vessels with cargoes both inwards and outwards: in 1844 it was 5,691,680 tons, in 1851 8,535,252 tons, making a gain in 1851 over 1844 of 2,843,572 tons. There were launched last year in the port of Sunderland alone 146 vessels, 51,923 tons; and there were on the stocks, on the 1st of this year, 73 vessels, 27,955 tons. Then let us take the inceeased tonnage of all nations trading to our ports: for three years before 1848 it was 1,131,000 tons, and for the three years after 1848 it was 2,841,000 tons, being of British 936,000 tons, and of foreign 774,000 tons; but the most remarkable feature in the case is, that in comparing the month of February 1850 with the month of February 1851, British tonnage had increased 37,000 tons, and foreign decreased 10,000 tons: these facts are well known and too patent to every one to be set aside. I therefore cannot believe that shipowners, who are men of common sense, would go on increasing their tonnage as they are doing, if their business be so ruinous as it is stated to be. I do not think that it is injurious to the shipping interest of this country, in case of an exigency such as the late famine, if foreign vessels come to our aid, induced by high freights, for such events would otherwise stimulate an unnecessary increase of British shipping more than our ordinary trade requires; when that exigency ceased, the unavoidable consequences would be, that an over-supply of British vessels competing with each other, would reduce the freights so low as greatly to injure their owners. If I understand the right hon. Gentleman, he has given up the idea of protection altogether, but hints at some relief. I am as desirous as he can be to remove all oppressive light-dues and other charges, as well as unnecessary restrictions and burdens of every kind, so that we may be fully able to meet the competition of every nation; and in aid of this I shall be a most willing party.

Mr. HUDSON begged to call particular attention to a petition which he had presented to that House from the shipbuilders of Sunderland, complaining that although they were fully occupied, yet they were pursuing their trade at a considerable loss, that they were in fact suffering considerable distress. They were pursuing their trade with that honourable determination which characterised British merchants, who, in times of commercial depression, ceased not to labour perseveringly, in the hope that better times might reward their industry. He hoped that the Government would devise some means whereby relief might be given to his distressed constituents. They were thankful for a repeal of half of the timber duties, and they looked forward to the day when the remaining half would be repealed, so that every facility might be given to them for pursuing their occupations. He had always thought it was a great hardship to permit foreign manufactured goods to be admitted duty free, whilst raw materials were not allowed to be imported free from duty. He begged to assure the noble Lord lately at the head of the Government, that the whole commercial world would feel exceedingly indebted to him for the forbearance which he had displayed on that occasion, in permitting the supplies necessary for the public service to be granted without delay.

Mr. MITCHELL was very glad that the present Government had expressed their anxiety to relieve the shipping interest from some of the burdens under which it still laboured. He begged particularly to call their attention to that unfair impost to which it was subjected—he alluded to the light-dues. There was no other country in the world that refused to pay the expense of lighthouses out of the general revenue. And now, particularly, when the shipping of this country had been forced to enter into competition with the whole world, it was but fair that the entire country should bear the burthen of lighting the sea coasts. He hoped that the right hon. Gentleman the Member for Stamford would give his immediate attention to this subject.

Mr. NEWDEGATE said, as the whole discussion, with respect to the Navigation Laws, had originated in some returns for which he had moved with respect to British tonnage, he hoped he might be allowed to submit some facts on this question to the consideration of the House. The returns which had been granted upon his Motion spoke for themselves, and needed no corroboration; still they did not comprehend the whole facts necessary to illustrate the diminution in the employment of British shipping since the repeal of the navigation laws. He would, therefore, simply lay before the House an account of the total number of vessels that passed the Sound in the years 1848, 1849, and 1850. The whole number of vessels that passed the Sound in 1848, was 16,853; in 1849, the number was 18,955; and in 1850, 19,064, showing an enormous increase in the total navigation through the Sound. And now, as to the number of British vessels that passed the Sound in those years—in 1848, the number was 6,714; in 1849, the number was 6,885; and in 1850, when the repeal of the Navigation Laws was beginning to be felt in this country, the number was only 5,448. Now, he had simply stated these simple figures, and they supplied the answer which he had to make to hon. Gentlemen who would get up and boast of the beneficial effects of the repeal of the Navigation Laws. If the present laws were not altered, and competition should prevail as it did at present, the result inevitably would be a decline of our naval strength.

Mr. EWART said, this question ought not to be decided by the effects which the repeal of the Navigation Laws had produced upon the port of Sunderland; it ought to be decided by the effects which had been produced in all the great ports of the Kingdom. Now, with regard to Liverpool, he could assert that the tonnage there of the past year had exceeded that of 1849 by 10,000 tons. It must not be forgotten that a great change was taking place in navigation. In a very short time he believed our trading vessels would be propelled by steam. He believed that in the ports of London and Liverpool especially this change was taking place. He did not deny that there were means of giving relief to the shipping interest. The timber duties ought to be repealed, and every facility given to shipbuilders to procure at a cheap rate the raw materials for building vessels. He rejoiced to hear that there was no intention on the part of the present Government to reimpose the Navigation Laws. He believed that such a thing could not be done. Great alarm was expressed as to foreigners ruining our shipping interest if we should repeal the restrictions on shipping; but these alarmists seemed to forget that we possessed iron, capital, enterprise, and skill, to so great an extent that we need entertain no fear whatever of competing with any nation in the world.

The CHANCELLOR OF THE EXCHEQUER hoped before they came to a division—if such was intended—that he might be allowed to congratulate the House and the country on the announcement of the hon. Member for Montrose (Mr. Hume), that, to use his own language, there ought not to be any further opposition to granting the supplies. He had been pleased also to hear from the highest authority on that side of the House, namely, the noble Lord the leader of the Opposition, that there was to be no further obstruction to the progress of public business. He could assure the noble Lord that he only did the Government justice in assuming and believing that they had an anxious desire for the proper discharge of the public business. They were not less anxious than the noble Lord that that recurrence to the sense of the people so often spoken of should take place; and they were prepared that it should take place—as he had stated the other night—as soon as those Votes were passed that were necessary for the service of Her Majesty, and those measures carried that they believed to be necessary for the security and good government of Her Majesty's Empire.

Mr. WALPOLE said, it almost appeared as if the House had lost sight of the Motion brought forward by the hon. and gallant Member for Westminster (Sir De L. Evans). The hon. and gallant Officer was aware that the late Government had sanctioned, under certain conditions, the formation of volunteer corps, those conditions being, firstly, that the corps should be equipped and armed at their own expense; and, secondly, that they should be subject to all the rules and regulations of the Volunteer Act. These conditions had been sanctioned by the present Government, with the addition of a third, to the effect that, while the arms were to be furnished at the expense of the corps themselves, they should be subject to such rules and regulations as would insure that they were of the same calibre and of an uniform bore in all the regiments. The hon. and gallant Officer had referred to a letter of his (Mr. Walpole); and he begged to say that the reason why he had written that letter, submitting that the formation of voluntary corps should be suspended, was that a Militia Bill was about to be introduced, and that if such a law was sanctioned by the House, the members of volunteer corps ought to be exempted from its operation. As to the nature of that measure, the House would, of course, excuse him from giving any explanation of it on that occasion. He could assure the hon. and gallant Gentleman, that nothing was further from the intention of the Government than to show any distrust of the people of this country in reference to any volunteer corps which they might undertake to form in the event of a necessity for them.

Amendment, by leave, *withdrawn;* Main Question put, and *agreed to.*

SUPPLY—ARMY ESTIMATES.

House in Committee of Supply.

(1.) 3,602,067*l.* Charge of the Land Forces.

Mr. BERESFORD said, the first Vote which he would submit was that of 3,602,067*l.*, to defray the maintenance of Her Majesty's land forces, which was an increase of 80,997*l.* over the sum voted last year. The vote passed last Friday for the number of men (101,937) being an increase of 3,223 over the number voted last year, rendered an increase of expenditure necessary in the present Estimates. In the Estimates of last year the charge for the land forces was 3,521,070*l.*, and in the present Estimates it amounted to 3,602,067*l.*, being an increase of 80,997*l.* This increase might be briefly explained as follows:—Increased charge of rank and file amounting to 56,660*l.*; for annual allowances, 2,809*l.*; for extraordinary expenses of agency, 327*l.*, and for clothing, 7,755*l.*, making a total of 67,551*l.* But there was, on the other hand, a decrease on account of the number of officers of 5,339*l.*, and of non-commissioned officers of 7,306*l.*; total, 12,645*l.*; which deducted from the increase, left a sum of 54,906*l.* increase. There was, besides, an increase for levy money of 20,000*l.*, and for field allowances, mainly attributable to the Kafir war, of 11,000*l.*, which raised the increase to 85,906*l.*, but which was reduced to 80,906*l.* by a decrease of 5,000*l.* on some other smaller items.

Mr. W. WILLIAMS said, there were several items in the Vote on which he had intended to offer some observations, but, as it appeared to be the wish of the Committee to allow the present Government to take the Estimates as they had received them from the late Government, he should let them pass without any comment.

Vote *agreed to.*

(2.) 169,607*l.* for the Staff.

Mr. ALCOCK said, that though the noble Lord the Member for the city of London had said that he did not mean to throw any impediment in the way of granting the supplies, yet he (Mr. Alcock) did not see what prospect there was of bringing the great commercial question which so much interested the country to an issue, unless some more specific declaration were made on the part of the Government than that House had hitherto been favoured with. He was sorry to have to express his want of confidence in the Government, because many of the individuals composing it were his personal friends, and gentlemen for whom he had the greatest respect. If any hon. Member would like to limit the supplies to a period of three or six months, he (Mr. Alcock) would be perfectly willing to join with him; for he was not satisfied with the statement of Her Majesty's Government, and he saw no more prospect now than there was on Friday last that this question would be settled before next year. If the Committee granted the supplies for a whole year, the question of free-trade might remain in abeyance for that time. He had no confidence in the declaration that had been made to that House by the Government, because they had now been crying out for six years past that nothing but a return to protection could satisfy the wants of the country; whereas now that they had the power and the opportunity to propose some measure upon the subject, they left the question totally in a state of suspense. Her Majesty's present Government had formerly exhibited a great desire for a 5*s.* duty upon corn; but such an expedient would be wholly useless, and the relief afforded by it would not be worth the acceptance of any farmer in this country be he large or small. Let them suppose the case of a farmer with 400 acres of land, which he cultivated in a superior manner. One-fourth of the land would be in wheat, of which there would be say four quarters to the acre. With a duty of 5*s.* these 400 quarters would be worth about 2*s.* 6*d.* a quarter more than under the present system—that is to say, about 50*l.* a year additional would go into the pocket of one of the largest farmers in the country, and he would have to deduct from that profit at least 25*l.* to make up for the increased price of labour. It was, therefore, impossible to suppose that any one could expect to get more than from 25*l.* to 30*l.* profit from a 5*s.* duty on a large farm of 400 acres. The proposition of a 5*s.* duty was in reality not made for the purpose of assisting the farmers, but with the view of getting in the sharp point of the wedge, in order that the duty might be afterwards increased to 15*s.* or 20*s.* What he complained of was, that the Protectionists were not sincere in their professions, neither could he consider the Free-traders sincere if they did not take this opportunity of forcing the Government to say what it meant to do with respect to the question of free trade, or how soon it would bring the subject before the country for its decision. For his part he ought rather to rejoice that the Protectionist party, now that they were in office, were going against that which they had been speaking in favour of for the last six years, because they might depend upon it that if the Anti-Corn-Law-League should be resuscitated, it would not be revived for the sole purpose of preserving free trade in corn, but it would be put upon a more comprehensive footing, and would be made a Parliamentary Reform and Anti-War League. Under these circumstances he did not think that the supplies ought to be granted to Her Majesty's present Government for the whole year.

Mr. FOX MAULE said, that he had been unable until that moment to find an opportunity of asking a question of the right hon. Gentleman opposite the Secretary at War. A Committee which sat last year and the year before on the subject of Army expenditure, had recommended it as a matter well worthy of the attention of the late Government whether it might not resolve to have one medical establishment for the whole Army, and another for the Ordnance. The Committee had reported that as far as they could judge they thought that this would be an expedient measure. When he (Mr. F. Maule) was in the War Office, he had consulted the head of the Army Medical Department, and had learned from him that so far as he could see, there would be no difficulty in adopting the recommendation of the Committee. A joint Committee consisting of Army and Ordnance officers had been appointed under the directions of his right hon. Friend who succeeded him in the War Office (Mr. V. Smith), to consider the question. He (Mr. F. Maule) was not aware whether that Committee had yet made their Report; but he felt quite sure that the proposed measure, if it could be adopted, would be one that would tend to economy, as well as conduce to the convenience of the Army generally. He begged to ask whether the right hon. Gentleman opposite had had his attention directed to the subject?

MR. BERESFORD said, that he had made inquiries respecting this recommendation of the Committee on Army expenditure, and the answer which he had received was, that a Committee was at that moment sitting upon the subject. He had not yet received the Report of that Committee, but should give his best attention to the subject when the Committee should have made their Report.

MR. MACGREGOR would suggest that a reduction might safely be made in the strength of the garrisons in the North American Colonies. He had no hesitation in saying that the present peace and loyalty of those Colonies were owing to the responsible constitutions which had been given to them by the noble Lord the Member for London when he was Secretary of State for the Colonies. As the Estimates had been all carefully prepared by the late Government, he (Mr. Macgregor) would suggest that they should be allowed to pass as they were without opposition.

Vote *agreed to;* as were the following:—

(3.) 95,957*l.* Public Departments.

(4.) 17,141*l.* Royal Military College.

(5.) 17,536*l.*, Royal Military Asylum and Hibernian Military School.

(6.) 84,000*l.*, Volunteer Corps.

(7.) 15,643*l.*, Rewards for Military Service.

(8.) 61,000*l.*, Army Pay, General Officers.

(9.) 50,000*l.*, Full Pay, Retired Officers.

(10.) 365,000*l.*, Half Pay and Military Allowances.

(11.) 36,916*l.*, Foreign Half Pay.

(12.) 119,387*l.*, Widows' Pensions.

(13.) 83,000*l.*, Compassionate List.

(14.) 28,815*l.*, In-Pensioners of Chelsea and Kilmainham Hospitals.

MR. GROGAN wished to call the attention of Her Majesty's Government to the discussions that took place last year upon this subject. He perceived that a considerable reduction had been made in the number of pensioners in Kilmainham Hospital. That, he believed, resulted in consequence of a letter written by the late Secretary at War (Mr. F. Maule). The subject was one of great interest and importance to the citizens of Dublin, and to the army serving in Ireland. The late Government were, he believed, most anxious that this institution should be abolished, and if the letter to which he had referred was not recalled, the hospital would soon be put an end to. His object now was to obtain a promise, if he could, from the present Government that that establishment would be kept up. In saying so much he believed that he was but speaking the sentiments of every Irish Member in that House, who concurred in deprecating the system of centralisation which characterised the policy of the late Government.

MR. BERESFORD said, that this subject had engaged his attention before he had the honour of being connected with the Government. He acknowledged that his nationality had greatly influenced his vote on former occasions in opposing the efforts made by the late Government to abolish Kilmainham Hospital. But now that he was Secretary at War he did not think that he would be quite justified in going against the recommendation of that House in declining to adopt the Estimate as he found it. He only wished he had the power now of recalling the letter which had been written by the former Secretary at War upon this subject. He did not think he could give any further explanation upon the subject.

MR. FOX MAULE was glad to hear that the right hon. Gentleman intended to adopt the recommendation of the House upon this subject. The question had been discussed more than once, and it had been fully inquired into by a Committee that had sat more than two years. They came to the decided opinion that the two establishments were unnecessary for the service of the Army. He could easily believe that Irishmen might feel somewhat sore at the reduction of such an establishment; but at the same time it might be devoted to some other public purpose in Ireland, far more useful to the Irish people than it was at present. It was proposed to convert it to the purpose of an artillery barrack. He willingly confessed it was the object of the late Government, neither more nor less, than to do away with it altogether. The letter which he had written on the subject was for the purpose of preventing the vacancies as they occurred in the hospital being filled up. The late Government intended that there should be only one establishment for the retired soldiers of the Army. He was informed that, even if he had not written that letter, the number in the Hospital would necessarily have been reduced, from the circumstance of there being but few applications from pensioners to get into it.

The CHANCELLOR OF THE EXCHEQUER could assure the hon. Member for the city of Dublin that he quite sympathised with him in the view which he took of this subject. It was, however, considered desirable, under present circumstances, that no alteration should be made in the Estimates of their predecessors; but he did not wish the hon. Member to understand that the Government were opposed to a reconsideration of the question. The question would be reconsidered in a fair and candid spirit, whether the Government could, consistently with their views, take such a course as would have the effect of continuing Kilmainham Hospital for the purposes for which it was originally established.

Mr. HUME was sorry to hear such a statement from the right hon. Gentleman; for if any question met with general unanimity, it was that regarding the propriety of abolishing this Hospital. It was quite unnecessary for the right hon. Gentleman to make such an observation as had just fallen from him. He hoped that before the Government would reconsider the recommendation that they had come to on the subject, they would first inquire whether there was any evidence that could set aside the strong facts that had already been laid before them.

Colonel DUNNE said, he was certain that the people of Dublin would be most happy at hearing the Chancellor of the Exchequer declare that the question would be reconsidered. Nothing could be more unpopular in Ireland than the attempt to remove Kilmainham Hospital, because it was unjust. He could assure the right hon. Gentleman opposite (Mr. F. Maule) that there were several pensioners most anxious to enter the Hospital. As an Irishman and a soldier he felt grateful to the right hon. Chancellor of the Exchequer for saying that the Government intended to reconsider this question.

Sir HENRY BARRON also begged to express his satisfaction at the announcement of the right hon. Chancellor of the Exchequer. The hon. Member for Montrose (Mr. Hume) said that the Committee had been unanimous in their opinion that Kilmainham Hospital should be abolished. He (Sir H. Barron) had always remarked that there was perfect unanimity amongst English and Scotch Members on every subject connected with Ireland. If it was proposed to do away with any Scotch establishment, they should have the hon. Member for Montrose, and other Scotch Members, urging most excellent reasons for its preservation.

Mr. FORBES must disclaim, on the part of the Scotch Members, the feeling attributed to them by the hon. Baronet the Member for Waterford.

Mr. HUME challenged the hon. Baronet the Member for Waterford to mention a single instance in which he (Mr. Hume) had objected to any proposal tending to the real benefit of Ireland.

Colonel FREESTUN begged to ask the hon. and gallant Member for Portarlington (Colonel Dunne) whether he intended to bring forward his annual Motion about the Guards in the course of the present Session?

Colonel DUNNE could not give the hon. and gallant Member any promise upon the subject.

Mr. W. WILLIAMS thought that if half of the sum now proposed were divided among the pensioners, and they were allowed to live with their relations, they would be far more comfortable than they were at present.

Vote *agreed to;* as were also—

(15.) 1,226,803*l.*, Out-Pensioners, Chelsea Hospital, &c.

(16.) 37,500*l.*, Superannuation Allowances.

SUPPLY—NAVY ESTIMATES.

(17.) 134,633*l.*, Admiralty Office.

Sir GEORGE PECHELL said, that in all his experience, during seventeen or eighteen years of the votes on the Navy Estimates, he had never known such large Estimates voted by that House without any explanation being offered by the Government, respecting the administrative affairs of the Admiralty. He must, however, congratulate the officers and the Navy generally on the appointment of an officer in their own service to the head of the Admiralty Board; and he had no doubt the appointment of the noble Duke (the Duke of Northumberland) would be highly satisfactory to the country. He also rejoiced at the selection of another officer as a member of the Board, whose conduct and gallantry during the late war had been greatly distinguished—he alluded to Admiral Sir Hyde Parker. He wished, however, at the same time, to put a few questions as to the intentions of the Government. First, what did the Board intend to do with regard to the iron steamers and the patronage of the dockyards? Next, as to the African squadron—he knew that the Admiralty Board were not responsible for the policy of maintaining that squadron on the African coast; but what he wanted to know was, whether the Board meant to keep the vessels of that squadron in its present efficient state? Next, with regard to the system of retirement which had been so strongly denounced last May and last August by the Earl of Hardwicke, the Duke of Northumberland, Lord Talbot, and Lord Colchester, in another place, who complained of the grievous hardship of placing on the retired list those gallant officers who had commanded sloops of war for many years, and also for some time rated ships, and who were told at last that they were not eligible for a flag. because they had not commanded the latter class of ships for a certain period. Now, that these noble Lords had attained office, he wished to know whether these grievances were to be redressed by them? He also wished to know whether the new Government intended to imitate the policy of their predecessors in restricting the entry of cadets, and in resisting the applications of duchesses and marchionesses who so eagerly importuned the Admiralty to obtain appointments in the service for their protegees? Another point in which he sought for information was with respect to the disgraceful system of smuggling specie from the coast of Mexico. This system was at once a scandal to the character of British officers, and a source of the grossest favouritism and partiality. On the Pacific station, from 1847 to 1849, upwards of 17,000*l.* out of 30,000*l.* was paid to the Captains of the *Frolic*, *Carysfort*, *Cormorant*, and three other vessels—their shares being nearly equal to what was received during the time for the benefit of Greenwich Hospital. He had obtained the Official Returns on the subject, from which he found that since the year 1819 the sum of 1,454,504*l.* had been paid by the public and the merchants of this country for the conveyance of specie from foreign ports; and out of that sum, as much as 729,500*l.* had been received by the captains of the vessels for conveying the treasure, and a further sum of 363,525*l.* had been paid as the share of the admirals and the commodore on the several foreign stations where the treasure was embarked. Greenwich Hospital was entitled to receive one-fourth of the whole freight-money, which would amount to 365,626*l.* Now he suggested that they should have left to Greenwich Hospital all the advantage it at present derived from the system, and that the whole of the remainder, 1,090,878*l.*, should have been applied to the formation of a fund for the benefit of the officers on the retired list, and to increase the pay and pensions of those officers who had been distinguished as first lieutenants. With regard to an invasion, neither he nor his constituents had much fear of it. He thought the Navy of this country was able to defend it if properly managed, and he objected to increasing the expenditure of our defensive establishments until we had made a proper use of the ships we already had. Hon. Gentlemen on the Ministerial side, a few years ago, used to tell the House that we ought to have a fleet in the Downs, at Portsmouth, and other parts of the coast, because the towns on the southern coast might be bombarded, and the Cossacks might land and commit the greatest havoc. He wished now to ask them whether they meant to leave our fleet scattered about distant parts of the globe, or to concentrate it in our own waters? Some statement of this nature he thought was due from them to the House.

Mr. STAFFORD said, he was far from complaining of the questions put by the hon. and gallant Member, and hoped that any imperfections in his replies would not be attributed to unwillingness to answer, but to inexperience. Before commencing his attempt to reply, he would assure the Committee that it was from no feeling of disrespect that he did not on a former occasion enter at length into a statement respecting the naval affairs of the country, but from a desire to meet the views of the Committee, that the sooner the Estimates were voted the better. Even the hon. Member for Montrose (Mr. Hume) had concurred in that view, in order to approximate the dissolution of Parliament. He was glad to hear the hon. and gallant Gentleman (Sir G. Pechell) express his confidence in the noble Lord at the head of the Board, and in the gallant Admiral the first sea Lord, and he (Mr. Stafford) should take great pleasure in communicating the fact to them, as the commendation came from one whom they must consider a good judge. The hon. and gallant Gentleman certainly showed a considerable belief in their powers, when he assumed that they had been able in the ten days during which they had held office, they and their secretary, and that secretary a landsman, to acquire sufficient knowledge to answer some of the most difficult questions connected with the naval service. Respecting iron steamers, to which the first question referred, he must tell the hon. and gallant Gentleman that the Board had considerable reluctance to continue building them, With regard to dockyard promotions, he must confess that of all the questions which had come under his notice, that was one which had impressed itself upon his mind as of the very greatest importance. Since he had been in office, he had adopted the principle of filling up no appointments in the dockyards, except upon the express opinion in favour of the party of the officer in command, or of the superintendent or master under whom the candidate had worked. Another evil in the dockyard system he was prepared to remedy as far as he could, and that was the system of a set of men rising, without reference to other considerations, from step to step. The consequence was that, as a general rule, our dockyards were behind other dockyards with regard to the latest inventions. He hoped, however, that means would soon be taken to remedy this. As to the African squadron, he admitted that, if it was to be maintained at all—about which he would not at that moment give any opinion—it ought to be efficiently maintained. With regard to the system of nominating cadets, he had to state that it was the intention of the Government to make it strictly limited, and that in this respect they would follow the course which was pursued by the late Administration. The promotion of mates would of course depend on the efficiency of the cadets. The freight of specie, the evil to which the hon. and gallant Member had referred to, was one which bade fair to remedy itself, as there was less and less coming in this way, and therefore he did not see the urgent necessity of an Administration, which had hardly been ten days in office, coming to any determination about it. He believed he had now answered all the questions of the hon. and gallant Baronet.

Admiral BERKELEY said, that, although he did not regret that there was no discussion on the Naval Estimates the other night, he felt that it would be becoming in him, as the Board to which he had belonged prepared these Estimates, to say something in favour of the late Board, after the enormous quantity of abuse which had been heaped upon them, both by certain Gentlemen on the other side of the House, and by the public press in general. And here he begged to say, that after all the abuse that had been heaped upon the late Board, he was astonished that the present Board of Admiralty had taken upon themselves to adopt the Estimates of their predecessors. He would begin with the case of the *Megæra*. That he thought had been satisfactorily settled by the right hon. Baronet the late First Lord of the Admiralty, and he did not think that many more words, if any, were necessary on that subject. He conceived that the answer of his right hon. Friend had sufficiently disposed of all the infamous stories which had been invented about that vessel. He would next come to the subject on which there was a Committee then sitting—he meant the subject of the stinking meats. The hon. Baronet who brought forward that Motion stated that the Government ought, particularly at this time, to look to the comfort of the seamen; and, although he did not say so directly, he intimated that the late Board of Admiralty had grossly neglected their duty in consequence of what had taken place with regard to the preserved meats. Now, without anticipating the answer which would be given by the Committee then sitting on the subject, he thought the best answer he could give to the accusations was, that the officer, a late colleague of his, who presided over the transport department, who made the contracts which were complained of, and who conducted the whole of the business of that department with as much benefit to the country as credit to himself, had been chosen out of the ranks of the late Board to fill the same office by the present Government. If that was not a practical answer to the accusation to which he had referred, he did not know where one could be found. Again, it was stated that the late Board of Admiralty had misconducted the transport of troops from Ireland to the Cape; and the expression used was, that "a noble regiment was sacrificed through the neglect of the Admiralty." This had occurred, as was alleged, from the condition of the ship in which the regiment was embarked, and which was described as "an old, rotten, worn-out ship, where there was malaria, effluvia, stinking meat, and everything that was bad;" and well did he recollect the cheers that were given whenever "the Hungarian Jew" was mentioned. Now, what were the facts? The regiment referred to (the 59th) was at the time of the famine recruited in Ireland, and consisted chiefly of raw recruits. They had been placed in a barrack where the cholera had been, and, unfortunately, that disease broke out in the ship, the *Apollo*, in the course of the voyage. The result, he admitted, was disastrous; but the conduct of Commander Rawstorne, the officer in command of the *Apollo*, was such that he received the thanks of the Duke of Wellington for his zealous exertions in contributing, in so far as lay in his power, to alleviate the distress caused by the disease which prevailed among the troops on that occasion. He felt it also due to Commander Rawstorne to read the following extract from a letter addressed to him by the colonel of the regiment:—

> "During the whole period of my service (and my first trip with troops was in 1816, with my own county militia to Ireland), I have never seen anything to equal the cleanliness, comfort, and regularity I have observed in the *Apollo*, except in Her Majesty's ship *Belleisle*, 74; and I do not think it was surpassed even in that large ship. Indeed, I consider the accommodation for married officers preferable in this vessel."

It had been said that the Admiralty were so ignorant as to what they were about that they could not convey troops from England to the Cape; and, by way of contrast to their incapacity, it had been stated that the French Government had conveyed a large body of troops from France to Civita Vecchia. Why, they might as well compare the ascent of Primrose-hill to that of Mont Blanc as to compare the conveyance of troops from France to Civita Vecchia, with those from England to the Cape. The fact was, that the late Board had had occasion to send troops to the Cape on six different occasions in the middle of winter, and not one accident had happened to any one of them. But it was said they managed matters so badly that their steamers were always breaking down. Now, he held in his hand a return which showed that out of their large steam fleet only three vessels broke down in the course of the year 1850-51—the year particularly referred to in the complaints which were made against them; while from another return he found that in the six steampacket companies, which had not one-third the number of vessels at sea that the Government had, the number which broke down in the same period was twenty. He could hardly have believed that the stories which had been circulated about the Navy could have obtained the credit they had done. He was indeed surprised at the gullibility of the public. Yet these things were alleged, and these things were believed; and therefore he hoped the Committee would forgive him for trespassing on their time to rebut them by facts. They were told by the hon. Member for the West Riding (Mr. Cobden) that they did not know how to manage the men committed to their charge, nor where to place them. But was it to be supposed that a set of professional men, with the right hon. Baronet (Sir F. Baring) at their head, would have left the country in the defenceless condition in which it was supposed to be? The fact was, that during all the time of the outcry about the danger of a surprise and the inefficiency of the Navy, although the Admiralty did not make any fuss about their proceedings, yet he would stake his existence that if the necessity had arisen, they could, in twenty-four hours, have covered the Channel from the North Foreland to the Channel Islands with a fleet of steamers within signal distance of each other. So much for the danger of a surprise. He admitted, however, that we ought to have a greater force in the Channel than we had, for if we were to have a war, the Channel ought to be in such a state as to be a place of refuge for a friendly flag, and a hornets' nest to our enemies. He now came to a point which was not for the Admiralty, but for that House and the country to decide. He thought we ought to have—and that we were not safe without it—a reserve of seamen at all times, at least to the tune of 5,000, that we could lay our hands upon when wanted.

Mr. W. WILLIAMS thought that no one who looked over the immense expenditure which had taken place last year, and had noticed the manner in which it had been applied, could coincide with the eulogium which the gallant Admiral who had just sat down had passed upon the late Board of Admiralty. He could not conceive how the Channel could be covered with ships of war within twenty-four hours, when he saw by the last Navy List, published on the 1st of January, that there were only twenty-two vessels in commission in all the ports in or near the United Kingdom; that of these only six were line-of-battle ships—four of the line-of-battle ships which carried the flags of the Port Admirals being only partially manned; and that there were beside three screw steamers of large dimensions. The people of England had been accustomed to look to the Navy as their bulwark against foreign invasion from the time of Alfred; but they had now ceased to take it into consideration, and were seeking for a military force equal to meet the largest force that France could bring against us. That was not a state in which we should be after the sums of money which we had expended on this force. Since the termination of the war no less a sum than 220,000,000*l.* had been voted for the Navy, independent of the armaments which were supplied by the Ordnance. Out of this 9,800,000*l.* had been expended on the dockyards, which at the close of the war were capable of containing our then fleet of 666 vessels. Then there were such jobs as Keyham Harbour, on which 1,250,000*l.* was to be, and 800,000 had already been, spent. 58,000,000*l.* had been expended on materials for shipbuilding and wages of workmen in the dockyards. And what had we to show for the last item? Why, only 620 vessels of all sorts and sizes, either built or in progress; and he believed that a private shipbuilder could have provided them for half the money which they had cost the nation. He thought that the Admiralty Board was very badly constituted. He thought a naval officer should always be at its head, who would have a strong feeling for the interest and character of the service, and would not confine himself to jobbing away the patronage, and to defending mismanagement. But the fact was that the civil Lords did not understand the management of such immense concerns, and the time of the distinguished naval officers who had a seat at the Board was wasted in attendance at that House, and they were thus prevented from giving their exclusive attention to the different departments of the service, and from introducing those improvements which he believed they would otherwise do. We had expended last year 5,700,000*l.*, and all we had to show was 142 vessels in commission, some of which were only tenders, and the majority were under twenty guns, only seventeen being sail of the line, and four or five of these being but partially manned, as he had stated previously, as Port Admiral's ships. He could not imagine how all this money was expended with so little to show for it. The Estimates for the present year were 5,600,000*l.*, of which only 2,000,000*l.* was devoted to the effective service; the rest was to be wasted on the dockyards, and on the half-pay and pension lists. In 1822, when a great promotion took place, after the termination of the war, the half-pay and pension list was actually less than at present, being then 1,340,900*l.* and now, 1,354,000*l.* The cause of this was evident, when he saw that to command these 142 vessels in commission, we had no fewer than 245 admirals, so that there were two Admirals to each ship; and they had 584 Captains, and 911 Commanders, giving about ten of these officers to each vessel. The half-pay and pension list had been enormously added to by the arrangements with respect to the retirement of Admirals in 1846 and 1851. Out of the 1,354,000*l.* devoted to this list, only 202,000*l.* was for warrant officers and seamen, leaving 1,152,000*l.* for the superior officers, an amount totally uncalled for by the justice of the case. With regard to the proposed reserve of 5,000 men, it had been stated that they would be thrown into the merchant navy, in order to represent to the seamen in the mercantile marine the great advantages of the Royal service. He did not think that would be the result of the measure. He should like to know how it was that the British Admiralty could not man a line-of-battle ship in less than three or four months, while the American navy could obtain as many of our best seamen as they desired. He attributed this fact to the tyranny exercised by some of the British commanders, though he was perfectly satisfied that many of our officers were good and excellent men. He a short time since brought before the House the case of a sailor who was shot by command of the captain of a British man-of-war. He had put a question on the subject to the hon. Secretary to the Admiralty, who fished up a long account with which he came down to the House, Now, he (Mr. W. Williams) was prepared to say, from information he had received, that the facts were as he had stated them, namely, that a Marine was ordered to shoot a seaman who was swimming ashore to desert; that he missed the man; that he was peremptorily ordered to fire again, and that the man was shot dead. [An Hon MEMBER: No, no!] Well, so persons said who were on board the *Inconstant*, at any rate; and he begged to ask the hon. Secretary to the Admiralty where he obtained the information he had given to the House, and whether he had searched the log of the *Inconstant*, and if so what was the description given of that event?

MR. TRELAWNY had no objection to the number of men proposed to be voted for the Navy, but he contended that that force ought not to cost the country more than 2,000,000*l.* a year. He formed his opinion from the amount of wages given to able and efficient seamen in the merchant or yachting service, which was about 1*l.* a week, say 50*l.* a year: thus 40,000 efficient seamen might be obtained for 2,000,000*l.* per annum; and as ships should be obtained at 1,000*l.* a gun, 1,000,000*l.* per annum should provide them with ten ships of 100 guns each. A line-of-battle ship should last seventy years, that being the age of the *Canopus*, one of the best ships we had. He had heard, however, at Plymouth, of instances in which ships had been rotten in the bows before they were sent to sea. Many of the numerous alterations in the ships had now no doubt become necessary; and by turning large ships into screw steamers they could now be placed in position whether the wind was favourable or adverse. He thought a great error had been committed in having the works at Keyham, instead of at Millbay, where there was already a dock for mercantile purposes, which was being partially filled up; so that an immense sum of money had been wasted in making one dock, and filling up another. It was proposed to spend 1,225,000*l.* upon these works; and of this 833,000*l.* had been already spent, and a further sum of 40,000*l.* was included in the Estimates for the present year. He could not see the good of taking a miserable sum like this, if Keyham was to be proceeded with at all. It was, he thought, but fair to the late Government to say that the faults of the reserve steam fleet were not chargeable on them. That fleet was created during the invasion panic, and the consequence was that the vessels were badly built, and that engines of too great power were placed in them. He believed that the same remark also applied to the works at Keyham. Notwithstanding all the money that had been lavished on the arsenal at Plymouth, he believed that it was yet undefended on the land side. An enemy would have nothing to do but land in Whitsand Bay, and cross the headlands, and he might then fire the ships, and shell the dockyard and the defences; though he admitted they perfectly protected the harbour from any attack from the sea. He wished to know whether it was the intention of the present Board of Admiralty, when a ship came off a foreign station, to send her to sea as she then was, in her most perfect state, and with the same crew, and without dismantling her? They were going to expend 782,495*l.* for stores, and 634,574*l.* for artificers' wages in the naval, and 32,355*l.* for artificers' wages in the victualling yard; total 1,449,324*l.* Now, that should give us fourteen line-of-battle ships, according to the estimate he had already given. Had we built at that rate for twenty years, what a fleet we should now have had! We had not, however, got a quarter of that after expending this sum annually during thirty-seven years of peace.

ADMIRAL BOWLES said, that the *Canopus* had nothing but the name in common with the ship that was taken at the battle of the Nile. There was not a timber of the original ship left; it had, in fact, been rebuilt many times over: so that the hon. Member for Tavistock (Mr. Trelawny) was quite incorrect in supposing that a line-of-battle ship would last seventy years. When a ship was twelve years old, it required a repair equal to one-third or one-fourth of its value. He differed, also, from the hon. Member with regard to the value of Keyham Harbour, the situation of which was much finer than Millbay; in fact, it was not possible to have a finer site for an arsenal than that which would be occupied by these works, the construction of which was rendered necessary by the fact that there was not previously any accommodation for the building or the repairing of steam vessels; nor could the accommodation have been obtained at the old arsenal. It was a magnificent work, which would be applauded by those who succeeded us as a proof of the foresight of the late Sir Robert Peel, who planned it when Prime Minister. He thought that it should be pushed on as fast as possible, and that the factories —which he was sorry to hear from the late First Lord of the Admiralty were to be delayed—should be built at once; so that the works might be at once completed, in case they should be required. He had not the least idea where the gallant Admiral (Admiral Berkeley) would find the means to cover the Channel with steam vessels within signal distance at twenty-four hours' notice: and with all due respect to the late Admiralty, he could not but think that, when they went out of office, there was not in any English port any ship of force ready to go to sea; and had we not recalled the fleet from Lisbon, we should have been in the same state still. He thought that, for the safety and honour of the country, we should have at least 5,000 more seamen than at present. Nothing could be more absurd than that a great nation which had been allowing 5,000,000*l.* a year for its Navy, should grudge an additional 200,000*l.* or 300,000*l.*, which would make the whole thing efficient, and place the country in a state of security. He must add, that he hoped neither the House nor the country would suppose that the proposed naval reserve would add a single man to the effective force. He must confess he did not understand the scheme himself, and he had never seen any body who did; but there could be no doubt that not one of our ships would be manned by the proposed plan.

ADMIRAL BERKELEY was sure that his hon. and gallant Friend who had just sat down would not give a contradiction to that to which he (Admiral Berkeley) had pledged his professional character. He pledged himself that, within twenty-four hours after a requisition had been made to the late Board of Admiralty, the steamers would have been found, and armed, in all respects ready for sea, and would, in fact, have been at sea covering the Channel from the North Foreland to the Channel Islands. He repeated that statement. The same means were in the hands of the present Board of Admiralty; and they could do it when they pleased. He took no credit to himself or those who acted with him for this scheme, which was originally formed during the Administration, he believed, of the late Sir Robert Peel.

Admiral Bowles

ADMIRAL BOWLES said, that he was far from wishing to doubt one word of what his hon. and gallant Friend had said. He quite believed that this might be done, if he said so.

MR. W. WILLIAMS wished to know where these steamers were to be found? There was not a sufficient number in commission, according to the last *Navy List.*

SIR FRANCIS BARING said, this only showed that the hon. Gentleman (Mr. W. Williams) was speaking upon a subject of which he knew nothing. The hon. Member merely looked at the last edition of the *Navy List*, and not finding the steamers in commission conceived it impossible that they should be ready at an hour's notice. But the statement of his hon. and gallant Friend (Admiral Berkeley) was not that they were in commission, but that in twenty-four hours the vessels could be manned, armed, and made ready for sea. In short, they were "advanced" vessels. [MR. W. WILLIAMS: That's quite an explanation.] Well, is that not what the hon. Member wanted? [MR. W. WILLIAMS: Yes, yes; but the hon. and gallant Admiral did not give it.] These vessels were in a state of advance, capable of being ready when wanted. The men were ready, and the ships were ready. With regard to the works at Keyham, it must be remembered that the slow progress made with them arose from the recommendation of a Committee which sat in 1848. Now, there were some hon. Gentlemen who thought that by placing our fleets in the Channel greater security would be given to this country, but he must say that was not entirely his impression; and as this was a subject upon which the late Government had been very much assailed, it might be worth hon. Gentlemen's while to listen a little to the other side of the question. It was supposed that if we recalled our fleet from the Mediterranean, and had constantly a large force in the Channel, we should secure ourselves entirely from any hostile attack. Much had been said upon the subject lately; but it did not seem to him that the result of calling our ships home would have been that which was desired. It must be remembered that there was no appearance of activity in the opposite ports; there was nothing in the northern parts of France which ought to have occasioned us the slightest uneasiness, and we had in our own ports sufficient to meet any emergency. If we were to call our large ships home, we must not be surprised if

France followed our example, called her steamers from the Mediterranean, and collected her force in the northern ports. He (Sir F. Baring) did not think we should have added one jot to our security by having a large force in the Channel. He had thought it right to say this; but, as for the attacks out of doors upon the Board of Admiralty, it was not worth while to enter upon the defence now: the time was gone by when it would have been of the slightest value. He had no doubt those who had succeeded to that department had the utmost zeal for the service. He (Sir F. Baring) had been able to reduce the Estimates by 1,500,000*l.*; there were those who thought still more reduction could be made, and he hoped it could, but he was not so sanguine as to believe that the new Board would be able to make the same statement.

CAPTAIN SCOBELL said, it appeared to him that some of the observations which had been made as to the late Board of Admiralty were not very true, though he believed there had been some abuses in the management of the dockyards, and considerable want of judgment in building ships. It was not his intention, however, to enter into those matters then. His object was to make a few practical observations to the Committee. The Estimates before the Committee were made up by the late Board of Admiralty, and accepted by the present Board of Admiralty. There could be no dispute about that. The question, then, to be considered was, how they were to spend their money in future. They had been congratulated upon having a naval officer at the head of the Admiralty. While giving every credit for good intentions to the present head of the Admiralty, he must say that he would agree much more in those congratulations if the head of the Admiralty were not a Parliamentary or political man, and if the appointments and promotions in the Navy were not dispensed—not by the fault of the head of the Admiralty, but by the fault of the system—among those who have interest in preference, in many cases at least, to those who possess merit. The next subject he wished to call the attention of the Committee to was, how the list of officers stands as to efficiency; and for that purpose he would first call the attention of the Committee as to how the Navy List stood in 1795. We had then 91 admirals, 420 captains, 197 commanders, and 1,395 lieutenants, making 2,103 officers; we had at that time 101 line-of-battle ships in commission, and these officers were found amply sufficient to carry on all the operations in the Navy. If they looked at the present list—though he knew that alterations had been made in the right direction by the late Board of Admiralty—they found there was still an active list of 100 admirals. But were they sure that those admirals were all active men? He believed that a great many of them, though able and gallant officers, were, through age and infirmity, unfit to go afloat. Without dwelling upon the number of officers they now had, he would rather take the number it is intended they should have, and that number he found to be, as he had stated, 100 admirals; but he was satisfied that fifty would be quite enough. There were only twelve employed now, so that even if they retained only fifty, it would take twelve years to give each admiral three years' employment. The post captains were to be 350. It would take sixteen years to give each of these officers three years at sea, and thirteen years on shore on the average. The commanders' list was to be reduced to 450, and dividing those 450 by the number employed, it would just take the same number of years for them, that is, three years at sea, and thirteen years on shore; and by the lieutenants' list, he found those officers would get afloat three years out of the nine. Then he came to the bottom of the list, and he found there were in the Navy between 800 and 900 mates, midshipmen, and cadets. A great fault at the Admiralty was, that there were so many all seeking for promotion, and that three-fourths of the officers in Her Majesty's Navy lived and died in the rank of lieutenants, and more than half the number of commanders never attained a higher rank. Now, if the First Lord of the Admiralty wanted to choose seventy post-captains, he had 350 to choose from, and he can keep back the promotion of any man he pleases from the rank of an active admiral. These things, he believed, would never be perfectly cured till the Navy was emancipated from political shackles, and placed, as the Army is, under a chief who will not be compelled to resign office at every change of Ministry. Looking to what may be practically done to sustain the efficiency of the Navy, he was of opinion that our ships are paid off too frequently. He believed the custom was to pay the ships of the Navy off every three years, or perhaps they might serve four years, if required for some special service. It was only last January that they paid off the *Ganges* of 80 guns, the *Portland* of 44 guns, the *Champion* of 26 guns, and the *Gorgon,* a 10 gun steamer—in all 160 guns, and a complement of 1,200 men—in the course of one month, and the men were sent adrift. He also wished to know what was to prevent their enlisting seamen for a longer period than at present—for five, or seven, or fourteen years, as they enlist soldiers? They would then have men who would not be constantly leaving the Navy. Look at the *Rodney.* She was at that moment in Portsmouth harbour, and though she was commissioned last August, she had not been to sea yet. What was to prevent their taking men for a longer period of service? He would let the period extend to fourteen years, and he would take no man for less than five years, and he would pay them some bounty for seven or ten or fourteen years' service, as the marines are paid. The first year was taken up in teaching the men. The second year they begin to shake themselves into their places, and the third year they were fit to fight any ship that ever floated; and then it was that the sailor was brought home—the admiral reviewed the crew, said the ship was in beautiful order, and the crew in fine condition, and then the ship was dismantled, and the men paid off. He thought the proposed reserve ought to consist of at least 10,000 men, that was to say 8,000 seamen and 2,000 petty officers, and out of that number they could easily get 6,000 or 7,000 men when they were actually wanted. A great deal had been said about the vulnerability of this kingdom to invasion. He had lately stated to the House his general opinion upon that subject. His opinion was, that though it would be wise to make some provision at home, yet they need not be frightened as long as they could keep a good Navy afloat. They should not only have the ships ready, but they should have the men on board, and the ships out cruising, not lying in port, but practising so as to be ready to meet the enemy, if an enemy should come. From a calculation he had made, he found that 8,000 officers, seamen, and marines would be sufficient to man three line-of-battle ships fitted with screws; five screw frigates, from 50 to 24 guns each; six large class steam frigates, ten steam sloops, together twenty-four steamers of various sizes, in all mounting 528 guns, and manned by 8,000 officers, seamen, and marines. If they had that large force, not in their ports, not much at anchor, not smoking the coast with their coal, but exercising the vessels under canvass, they would be sufficiently prepared for any emergency. He might be asked where he would get the 8,000 seamen that would be required to man these ships. In answer to that he would suggest that there was scarcely a foreign station that might not spare one or more ships of the squadron—he did not mean the Mediterranean only, but North and South America and the coast of Africa, and all other stations The other day he saw in the newspapers that there were five English men-of-war at Rio Janeiro at anchor at one time; and they might depend upon it that an admiral will always keep as many ships out on a foreign station as he can. A distinguished Member of that House had recently observed — he meant the noble Lord the Member for Tiverton (Viscount Palmerston)—that this country had the smallest Army of any principal nation in Europe. There was a very good reason for that. It was because England is an island; they all knew if she was joined to the Continent she would have to keep up a large Army to protect herself from the encroachments of her neighbours; but, situated as we are, he thought it morally impossible an enemy could land on our coast. In the first place, it would take a long time for a force to embark. It was true that the army of Sir John Moore, where he was present, embarked in a single night. But how was that accomplished? Why, as the boats from the ships approached the shore the men leaped into them anyhow, so that there were not in any boat three men belonging to the same regiment, and they had neither horses nor stores to embark—for the horses were shot, and the stores abandoned. But no invading force could be embarked in that manner. He remembered when he was employed in blockading Boulogne, where the invading army of Napoleon was to have been embarked, and his opinion was that the country was more vulnerable then than it was now—the agency of steam had done so much to strengthen it; for calms and fogs would have assisted the enemy then much more than they could do now. If they were now to be brought over in large steamers or line-of-battle ships, they must be landed in boats at a distance from the shore; and then it was to be remembered that every man of them would be as sick as a dog. They might depend upon it that an invading force, either in coming across or in landing, would be cut to pieces in detail, if there were but an efficient force at hand. Another recommendation he would make would be that at least half the men employed in the Navy should be ablebodied seamen. The difference in expense would be only *3d.* per day, and the provisions and allowances the same, while in case of a war these able seamen could be drafted into the new ships, and their places taken by ordinary seamen and landsmen. With regard to assembling more men-of-war at home, he conceived that with the advantage of steam and the electric telegraph, England should be more the head quarters of the Navy, because, if necessary, additional aid could be immediately despatched to any foreign station. If he added a remark, not very complimentary to the other branch of the service, it should be jocularly; but the alarm about invasion was chiefly expressed by soldiers, from the illustrious Duke downwards. Sir Francis Head was a soldier, and so was the "Swiss Colonel," and many of them had by their writings, helped to raise and keep up the alarm. And the reason was plain—they could not comprehend the capabilities of resistance that might be made on the ocean, and especially the resources that had been put into their hands by the power of steam. For example, he had never known a marine officer, however long he might have been at sea, who had learned to steer or manage a boat. If this was the case in small matters, it might be supposed how ill-informed they were as to matters that were more important. His opinion upon the whole was, that our ships should be collected more at home, for the Colonies were well defended with forts and batteries, but that was not the case with Great Britain.

MR. CORRY said, he agreed with the right hon. Baronet (Sir F. Baring) that our Navy was never in a better condition than at the present moment, whether it regarded our ships or stores; but he must remind the Committee that it was through the effort of Sir Robert Peel's Government to build a steam fleet that they now possessed a reserve of steamers in a state of efficiency for sea at a moment's warning. The right hon. Baronet had taken credit for having reduced the Estimates by 1,500,000*l.* But the reason why the Estimates of Sir Robert Peel's Government were so large was, that between 1841, when they entered office, and 1846, when they retired, no fewer than seventy-two steamers of 28,000 horse-power and 74,000 tons burden, had been built, equal to thirty sail of the line. He knew the Government had been accused of building steamers in a panic, and therefore of building them badly. Now, if time had permitted, perhaps they might have made experiments, and thus saved some faults; but then they would have been neglecting a still higher duty, the safety of our own shores. But though they had now a larger naval force than France possessed, both in steamers and sailing vessels, yet there were circumstances which made the smaller naval force of France more available for invasion than our large naval force was for defence—the main circumstance being, that we had a vast colonial empire to defend, and an enormous commercial interest to guard in every sea, so that the greater portion of our navy was necessarily out of our reach; while France, which had no such interests to protect, had its navy chiefly at home. It was therefore important that we should always have the means of manning our reserve ships, and sending them to sea at the shortest notice, in the event of a war. The French had a great advantage in manning their fleet, for all French seamen were liable to be called upon to serve four years in their navy, and as they hardly ever volunteered to serve again, he was informed that there were at the present moment in the maritime districts of France 23,000 seamen liable to be called up to serve on board of the navy, who had already had four years' experience in the service, and were perfectly conversant with naval discipline. Now there were on the last registry of the English seamen 210,000 names; but few of these men had any knowledge of naval gunnery, or were acquainted with the restraints of discipline on board a man-of-war. As one means of remedying that defect, he would suggest that the reserve marines who were now trained to naval gunnery should be increased. The number of marines serving ashore was 5,300, which was the number at the time he was in office; but he had ascertained then, and he had no reason to suppose it was different now, that no more than 3,000 of these were available for embarkation. As it would require 6,000 marines to man the reserve Navy if it were required, he would suggest that the marine force should be increased by 3,000 men. The expense of this increase would not be more than 100,000*l.* a year. He was not sanguine about the success of the particular plan proposed for the reserve of seamen, though he thought the late Board deserved every credit for having proposed it. He doubted if the men would be found willing to enter upon the plan proposed, and therefore he would recommend the Members of the present Board to consider a very able scheme for the formation of a coast militia, which was addressed by Sir Thomas Hastings to the Board of Admiralty in 1846. The plan was to assemble 15,000 men once a year, and train them in gunnery and other naval exercises. If that plan were adopted, he thought they would have a most efficient naval reserve.

CAPTAIN BOLDERO wished to call the attention of his hon. Friend the Secretary for the Admiralty to a Resolution which had been passed by that House, declaring its opinion that better accommodation should be provided for assistant surgeons throughout the Navy. He might assert without fear of contradiction that the Resolution had not been carried out in that spirit of justice in which it was the intention of the House that it should be carried out. He readily admitted that the position of assistant surgeons had been very much improved since the passing of that Resolution. But an order had been promulgated which had acted most injuriously on assistant surgeons, and which was an insult to the whole medical profession. It was declared in that order that no young man entering the Navy as an assistant surgeon should receive cabin accommodation till he had passed through a professional service of three years. At the age which those gentlemen who were of superior and scientific education had attained when they entered the service, they were compelled to associate in the cockpit with boys for for three years before they were thought fit to be placed in the society of lieutenants of the Navy and lieutenants of marines. It was possible a lieutenant of marines seventeen years of age, might be embarked in a line-of-battle ship; and if he were fit to receive a cabin, an assistant surgeon should be so. Another defect in that order was, that it was not sufficiently peremptory in requiring captains to give the accommodation required. He did not say they wilfully evaded it. He had received letters from all parts where our ships were stationed, representing that captains had refused accommodation where it could be given. He would suggest to his hon. Friend (Mr. Stafford) the expediency of submitting the case to the noble Duke at the head of the Admiralty. Our Navy was lately engaged in a bloody scene at Lagos. The loss was greater than that which was usually incurred in a naval action; and in his report to the Admiralty the commanding officer, speaking of the surgeons and assistant surgeons, said—

> "Penelope, off Lagos, Jan. 2.
>
> "Nothing could exceed the devotion of the officers of the medical staff to the exigencies of the day—one surgeon, five assistant surgeons. Whenever a man was struck in the boats a medical man was immediately at his side, setting their own lives at nought when compared with the wants of their brave companions in arms."

The assistant surgeons ought to have those comforts to which their position and education entitled them. Allusion had been made to a reduction of 1,500,000*l.* in the Estimates effected by the right hon. Gentleman lately at the head of the Board of Admiralty. He did not give the right hon. Gentleman credit for it; he thought it an injury. The right hon. Gentleman went on to say that he hoped the noble Duke at the head of the Admiralty would effect still further reductions; but if that course were pursued, what dependence in the event of an attempted invasion could be placed on the Navy? The more efficient it was made, the more secure would the country be against attack. It was pleasing to hear that there was a reserve of steam vessels ready to be equipped within twenty-four hours in the event of a declaration of war, and satisfactory to recollect that the mercantile steam marine was much greater than in France; where France could fit out one steamer from its mercantile marine, we could fit out ten. If in the event of a war letters of marque were given to some of our steamers, and the steamers were well armed, there would not be a trading vessel of a nation at war with this country to be seen three months after the declaration of war.

CAPTAIN HARRIS had on former Sessions called attention to the manning of the Navy. He had had interviews with Lord Auckland and other Lords of the Admiralty on the subject, and had put the case to them whether it would be possible to resort to impressment in the event of war. To many old officers with whom he had been in communication, and who differed with him on the subject, he had put the question, whether they thought they would, as magistrates, ever back a press warrant with any chance of success. They admitted they could not. What would be the result of attempting it? The Executive would come into collision with the civil law, and the decision of a court would abrogate impressment. The real question, then, for consideration was, whether they should not take time by the forelock. He might suggest that the boldest step was also the wisest; and he did trust that before the year, or even the Session, expired, a supplementary estimate might be proposed to provide against the contingency of war. A mode of manning the Navy in time of peace ought also to be devised. Great difficulty, he understood, was experienced in manning the Navy; there were ships shorthanded at present, and likely to remain so for two months. The only way in which he thought provision could be made for manning the Navy in time of peace, was by continuous service, such as existed in the Army. Men might be entered for seven, eleven, and fifteen years, the terms of two, three, and four commissions; at the end of the last they should be entitled to a pension, increasing at the rate of 1*d.* a day for each further year of service. Like our troops in India, they should not be allowed to claim instant discharge, but wait for the draught home. The service was now more attractive than in former times, for a system had been established tending to promote the comfort and happiness of the men; and he might mention, as another improvement, the greater rarity of punishment. In framing a plan for manning the Navy on the breaking out of a war, it would be necessary to bear in mind that the sailor was an erratic animal, wandering from port to port; but the shipping offices and register ticket offered great facilities for carrying out the ballot. Under the existing law the captain and crew must sign their articles before the shipping officer. No merchant vessel should obtain her permit from the Customs until her crew had been balloted. Each register ticket should bear the stamp of the ballot, which would be a protection for a certain period. The same system would be worked on foreign stations. He would introduce a system of ballot, instead of the pressgang, which he would at once erase from the practice and traditions of the country; for, so long as it was retained, they would find their seamen running to America in the event of a war. He was persuaded the country would approve of this abrogation of the right to press, and assuming the principle that every one was bound to serve the State in the event of a war, enable Parliament to pass a legal compulsory statute, so that the service would not be injured by it. Notwithstanding some complaints that had been urged, the system of registration had worked uncommonly well; and he was satisfied it would ultimately prove of great value to the marine of the empire.

SIR FRANCIS BARING said, he wished to say a few words on the important subject of the manning of the Royal Navy, which was one of the most difficult questions they could have to consider in endeavouring to provide for the efficiency of our naval force. They might have ships in abundance; and yet if they wanted men the country would not be safe. The late Board of Admiralty had, after much deliberation, devised a plan which they thought would, to a certain extent, meet the difficulty, and which would at any rate serve as an experiment. He could not himself feel very sanguine as to the efficiency of that plan until it should have been fairly tried. He had heard it stated that it was difficult to understand the scheme; but he should say that the present Board of Admiralty ought either to take it up fairly or to abandon it altogether. There was no conceivable scheme with respect to which differences of opinion would not prevail among naval officers; and any scheme which was not known to have the support of influential parties at the Admiralty could not succeed. It was most important that the first step in any plan should be taken efficiently if it were to be taken at all; and he repeated that he hoped the new Board of Admiralty would either abandon the scheme of the naval reserve, or would seriously endeavour to carry it into successful operation. There was another point upon which he wished to offer a few words of explanation. Formerly, if at the outbreak of a war a bounty had been given for the entry of any one seaman, a similar bounty had been given to every man in the service; and that had been found to be a very onerous and inconvenient arrangement. It was at present proposed, therefore, that, without affecting the rights of existing seamen, those who might enter the service for the future should not have the power of claiming the bounty in question. With respect to the system of impressment, he should state that they ought to make that system the exception, and not the rule; and in that case be believed that the best plan to which they could resort, would be the adoption of the ballot. He thought they would have to come to that. He was aware, however, that that subject was one of great difficulty; and if he had remained in office, he had intended to have given his best consideration to the matter.

Mr. STAFFORD said, he could undertake to say that the new Board of Admiralty would give to the suggestions of the right hon. Baronet (Sir F. Baring) the attention which they deserved from their importance and from the kind manner in which they had been offered. With respect to the naval reserve, he had to state that the present Board of Admiralty accepted the principles of that plan as a really valuable one, and that they were disposed to carry it fairly into operation. But they did not regard the scheme as one peculiarly adapted to a sudden crisis, if such a crisis should arise. He believed that the good effects of it would not be perceptible all at once. It was supposed that it would ensure for Her Majesty's service a better character among merchant seamen than that which that service had hitherto enjoyed. At present the greater portion of those who left the Royal Navy for the merchant service were persons of bad character, who represented Her Majesty's service in much worse colours than it deserved; and it was hoped that under the system of the naval reserve, men of good character when they left the Royal Navy would speak favourably of it to their companions among whom they would afterwards mix. We had at present in the merchant seamen's service about 230,000 men, besides about 50,000 men who disappeared in distant parts of the world, and were not seen again until after the lapse of three or four years. If the plan should succeed, it must still be obvious that so small a body among so large a mass must work but slowly. The question with regard to naval assistant surgeons was at this moment occupying the attention of the Admiralty, who were not unmindful of the necessity which existed for carrying out the order of the House upon the subject. They felt that that order ought to be carried out; but at the same time that some discretion should be left to the officer in command, and allowance made for the amount of accommodation on board ship. It was impossible to apply an abstract rule in this case. All he could say was, therefore, that the animus of the Board was to treat the assistant surgeons of the Navy as gentlemen, and to give them every facility for prosecuting their studies on board that the arrangements of the ship would admit of.

Sir GEORGE PECHELL hoped the Admiralty would also take the case of the junior class of surgeons, who acted as clerks to captains, into their consideration, with a view to putting them on a different and an improved footing; and he would recommend that officers in the coast-guard service should be rewarded by promotion, the rewards they at present received at the end of the year not being, in his opinion, adequate to the great and valuable services they performed, in so often saving life and property, and protecting the revenue.

Vote *agreed to.*

(18.) 50,353*l.* Scientific Department.

Mr. WYLD said, he was compelled to complain of the very inefficient way in which the charts were published, and begged to call attention to the mode in which the charts were published by the Navy of the United States and by the French Marine. The system adopted by the American Admiralty Board was much superior to that in operation in this country, inasmuch as the Americans adopted a uniform scale and plan by which they accomplished much greater results than was done here, and at much smaller expenditure of money. They had year after year expended nearly 60,000*l.* upon this service, and still only a very small number of charts was published every year. The want of such publications was exceedingly detrimental to the commercial navy of Great Britain, and if they were sufficiently extensive, so far from the sale producing only 2,000*l.* or 3,000*l.* as they saw by the Estimates of that year, it might produce 30,000*l.* He hoped the hon. Gentleman the Secretary to the Admiralty would direct his attention to this matter.

Mr. STAFFORD said, the subject had already attracted the attention of the Board of Admiralty, and would continue to do so. The difficulty was one of expense. The hon. Gentleman seemed to think the Admiralty might be reimbursed the expenditure of carrying out his suggestions, but that appeared to him (Mr. Stafford) somewhat problematical.

Sir GEORGE PECHELL said, the First Lord of the Admiralty's house ought to be given up for the map department. As it was, the business was very much in arrear for want of proper space and accommodation.

Vote *agreed to;* as were also—

(19.) 132,647*l.* Naval Establishments at Home.

(20.) 23,263*l.* Naval Establishments Abroad.

(21.) 666,929*l.* Wages to Artificers at Home.

(22.) 35,331*l.* Wages to Artificers Abroad.

(23.) 782,495*l.* Naval Stores, &c.

COLONEL PEEL said, he was surprised that not one word had been said in the course of the discussion upon the Navy Estimates in reference to the circumstance of a foreign yacht having recently come to this country, and, in the presence of the Queen herself, beat some of our crack sailing vessels. That appeared to him a humiliating event. He remembered a leader in a morning newspaper characterising the American yacht as "the racehorse of the Ocean." Though he (Colonel Peel) was wholly ignorant of nautical matters, and knew as little how to manage a boat as any of the class of officers referred to by the hon. and gallant Member for Bath (Captain Scobell), yet he admitted he was to some extent conversant with the pastime of horse-racing, and flattered himself that he could appreciate such an expression as "the blue ribbon of the turf," with which the right hon. Gentleman opposite (the Chancellor of the Exchequer) had recently made them familiar; but, whatever might be the sailing qualities of the American yacht, this he knew, that if such a defeat had been sustained on the English turf as had happened to our sailing vessels in the instance to which he had referred, there was not a true sportsman in this country who would not have gone to almost any expense to have recovered back our lost laurels. It was part of his creed that "Britannia rules the waves;" but what became of the goddess on the day to which he had alluded he was not prepared to say; if she ruled the waves at all, on that occasion she must surely have done so with a downcast look. He would suggest that some part of the surplus funds from the Exhibition might be appropriated towards large prizes to be given with a view to encourage competition in the building of sailing vessels. It was of little or no use for us to go on constructing sailing squadrons merely to run against one another. If we would really improve the sailing qualities of our ships, we ought to invite competition with those of other nations, instead of testing our ships with each other.

ALDERMAN THOMPSON said, the hon. and gallant Member need be under no alarm as to our ships being surpassed by the American merchantmen. There was an American vessel called the *Oriental,* which had been greatly praised for the celerity of her voyages between this country and China; but he believed that there had been more than one ship of British build which had made the voyage in a considerably shorter time than even the *Oriental.* There never had been a period in the history of our country when there had been greater zeal and anxiety shown for the improvement of our merchant vessels than at the present time; and he could assure the gallant Member that neither energy nor expense would be spared to maintain the high position which our mercantile marine had so long enjoyed.

SIR GEORGE PECHELL said, it was quite true that the American yacht, which had been built expressly for racing purposes, had beaten our swiftest yachts; but with merchant ships and ships of war the case was very different. There were no ships of war in the world that could excel our own in speed and other qualities. The American Government had certainly not succeeded in building ships to beat our men of war. Look at the trials in the Pacific, at Rio Janeiro, and the West Indies. There we had completely surpassed them. Then with respect to French ships, let them only look at Prince de Joinville's squadrons, the three-deckers of which could neither tack nor wear.

MR. FOX MAULE wished to say a few words for the honour of his own country. There had been a regular competition between the American and the Aberdeen builders as to ships for China and Newfoundland; and the Aberdeen builders had beaten their opponents altogether.

The MARQUESS of GRANBY said, he did not wish to underrate the efforts made by foreign countries in the building of ships; but we must take care, if we had to compete with them, that our shipbuilders and shipowners were not overweighted in the race.

CAPTAIN HARRIS thought the amount of the stores in our dockyards had rather been too much trenched upon of late. He saw, with regard to timber, masts, and deals, the expenditure had been reduced by some thousands. He wanted to know whether that saving had been effected by paying lower prices on the contracts? He also saw a reduction with regard to stores of 84,000*l.* He wished to know whether that was an actual retrenchment in stores?

Sir FRANCIS BARING said, the Estimates were carefully gone through, and at the close he asked Mr. Dundas, the storekeeper-general, whether it was wise to increase the stores in any particular; when that gentleman replied that, notwithstanding there was a diminution in the Estimates of 84,000*l.*, there never was a time when the naval stores were in a more efficient state than at present.

Vote *agreed to;* as were also the following:—

(24.) 265,140*l.* New Works.

(25.) 23,000*l.* Medicines and Medical Works.

(26.) 50,850*l.* Miscellaneous Services.

(27.) 707,520*l.* Half Pay.

(28.) 490,533*l.* for Military Pensions and Allowances.

Captain SCOBELL wished to draw the attention of the hon. Gentleman the Secretary to the Admiralty to the immense number of half-pay officers at present on the list, which was very little reduced from what it was at the end of the war. The late Board of Admiralty did reduce the list somewhat, but it was still so large as to be an injustice to the officers themselves, most of whom had no chance of active employment, and an injustice to the service. Another subject to which he wished to call attention was the gallant action at Lagos. The Committee ought not to pass the Naval Votes without some allusion to one of the most gallant, and, at the same time, the most bloody actions by boats, ships, steamers, and other vessels, which he had ever known. If the despatches were closely scrutinised, it would be seen that nothing could be more energetic, more skilful, more persevering, on the part of those employed; and that the action was a most hotly-contested one would be judged of from the fact, that out of 400 men and officers engaged, 100 were killed and wounded. The late Board of Admiralty, he had no doubt, made their arrangements in a hurry; but he hoped the present Board would look through the list of officers who had got no reward but many a wound, with a view to some further promotions.

Vote *agreed to;* as were also the following:—

(29.) 156,562*l.* Civil Pensions and Allowances.

(30.) 127,600*l.* Army and Ordnance Departments.

(31.) 870,158*l.* Post Office Packet Service.

Mr. H. HERBERT begged to call the attention of the Committee to the state of the Irish mails between Kingstown and Holyhead. A return which he had moved for that Session would show that there had been of late years a material decrease in the speed of these vessels, and that the mail packets lost at least half an hour on each trip. It was a curious anomaly that the only service that had not improved was the Irish mail service; but surely hon. Gentlemen who came such a distance to perform their Parliamentary duties ought to be provided with the best and quickest mode of transit.

Mr. BAILLIE COCHRANE said, that there was no charge for steam communication with the Canadas and Newfoundland, although there was a charge for the communication with New York, and although the commerce and intercourse between the two first countries and England had of late very much increased. It was a most curious fact, that though there was a grant of 14,700*l.* for the communication between Halifax, Bermuda, and St. Thomas's, and Halifax and St. John's, and although the vessels passed within sight of Newfoundland, the mails were sent on six hundred miles further to Halifax, whence they got back the best way they could. This was felt to be a very great inconvenience, and he had had communications from Newfoundland, to the effect that if the Government would grant 5,000*l.*, the colonial legislature would defray the rest of the expense; and then there might be a regular steam communication between Liverpool and St. John's.

Mr. STAFFORD said, that the answer to both the hon. Gentlemen who had just spoken was the fact, that the Admiralty in this matter was merely subordinate to the Post Office, and both were subordinate to the Treasury. If the hon. Gentleman would apply to the Post Office, then the Post Office might apply to the Treasury, and both would then send their wishes to the Admiralty, which would be sure to attend to them.

Mr. COWPER thought it was preposterous to suppose that two different steamers should run across the Atlantic—one to Halifax, and another to St. John's.

MR. COCHRANE said, the preposterous part of the proceeding was, that passengers, as he had pointed out, should, when within fifty or sixty miles of their place of destination, be carried 600 miles past the port, and have to travel 600 miles back again.

MR. ANDERSON said, he begged to point out to the Committee the deficiency of postal communication with the Orkney and Shetland isles. His constituents there had great cause to complain as to the inadequacy of the present arrangements. The group of islands with which he would deal more especially now was the Orkneys, which were divided from the mainland by the Pentland Firth. Arrangements had been made by the Post Office which gave them a daily mail; but the provisions for carrying the mail acsoss the strait consisted merely of some small boats, which, whenever there was so much as a cat's paw of wind did not cross over. This state of things was not very easily remediable till within a few years, because there was no harbour on the Caithness coast; but there had now been formed an harbour near Thurso, capable of affording shelter in all weather for vessels of considerable size. A small steam vessel to run across this strait would give the inhabitants something like a regular post; and from an Admiralty survey which he had obtained, the additional expense would not exceed 500*l.* a year as compared with the present arrangement. About 30,000 of Her Majesty's subjects would thus be placed in regular communication with every part of the Kingdom; and, besides this, it was not merely a local question, because there were sometimes 1,000 sail of vessels from the north of Europe awaiting orders from their consignees, and repairs; and a sure and speedy communication with these vessels was a matter of extreme importance.

MR. CLEMENTS thought the postal communication between Holyhead and Kingstown ought to be expedited. The vessels were quite capable of going the distance in three hours and a half, instead of four hours and a half and five hours.

MR. SCULLY said, he must request the hon. Secretary for the Treasury (Mr. G. A. Hamilton), as representing the Post Office in that House, to give some explanation on this subject.

MR. ALDERMAN THOMPSON said, the Admiralty had made a contract with the Dublin Steam Packet Company for 25,000*l.* per annum for this service, by the conditions of which the steamers were limited to a certain time in making the passage. They frequently, however, did not keep to their engagement by an hour. The loss of an hour was of great importance to the postal communication, and it was the duty of the Admiralty to see the contract carried out. If the vessels were so imperfect, and the steam power so insufficient that they could not perform the contract, it was the duty of the Secretary of the Admiralty to enforce it. The loss of time in the passage was, at present, a crying evil.

MR. STAFFORD said, that the matter should be inquired into, and that the Admiralty would compel the performance of the contract to the very letter.

MR. H. HERBERT said, he had not made a complaint against the Dublin Steam Packet Company breaking its contract, but what he wanted to show was, that, owing to a miserable skin-flint policy on the part of the late Government a sum was now paid for the service much less than that which it had cost the Government two years ago. The sum now paid per annum (25,000*l.*) was too small to admit of the satisfactory performance of the vessels. The persons in charge of them admitted that they were able to go at much greater speed, but that the Government did not pay for speed. Now, as an Irish Member, he submitted that he and his colleagues were entitled to the best accommodation of the kind which could be provided. One of the witnesses, examined before the Select Committee which sat upon the subject two years ago, proved that some of the vessels could go more than twelve miles an hour, and which they contracted to do; others were not so fast, but that the company considered they had performed their contract with the Admiralty if one vessel went at fourteen knots an hour, and another at ten.

MR. PETO, being the Chairman of the Chester and Holyhead Railway, begged to say, that the whole system of the postal communication with Ireland required the most careful consideration. The whole of the mails were upon one occasion detained for two hours at Chester, without the least occasion for the delay. The Irish mails were now delivered in London at eleven o'clock in the morning; but if the Government would investigate the question fully, they would find that there was no reason why the Irish letters should not be delivered in London with the others every morning. He hoped it would be sufficient to call the attention of the Government to this subject.

Vote *agreed to.*

House resumed.

SUITORS IN CHANCERY RELIEF BILL.

Order for Committee read.

SIR WILLIAM PAGE WOOD said, he wished, with permission of the House, to make some observations with reference to the Bill then before the House, and also to another Bill which was about to be introduced by the late Government with respect to improvements in the Court of Chancery. He trusted that the House would indulge him whilst he made such observations, because there certainly had been a most extraordinary misunderstanding, occasioned partly, he must say, by statements that had been made in that House, with reference to the proceedings that had been taken by the late Government in preparing a Bill that was to be founded upon the recommendations of the Commissioners appointed to inquire into the proceedings of the Court of Chancery. He had lately seen a report of a speech made by the noble Lord now at the head of the Court of Chancery, in which that noble Lord very fairly stated that he did not take any credit to himself with regard to the measure about to be introduced, founded upon the report of that Commission, because it had been the intention of Her Majesty's late Government to bring in in a Bill of a precisely similar description. The noble Lord stated that he was prepared to bring in a Bill for the purpose of carrying fully into effect the recommendations of that Commission. But in the course of that statement, as he (Sir W. P. Wood) read it, the noble Lord stated that he did not find the Bill so advanced as he had expected—that he had, in fact, only found certain clauses prepared with reference to the abolition of the Masters in Chancery. Now, of that statement he (Sir W. P. Wood) had certainly no great reason to complain, and he should be very sorry to do so, because it gave him most unfeigned pleasure to find that the recommendations of that Commission had met with the noble Lord's sanction. But it had been stated in that House that when the present Government came into office, not a trace of that Bill for the improvement of the Court of Chancery according to the report of the Commission was discovered. Now that statement, no doubt made in error, certainly was a most incorrect representation of the exact state of the facts. That state was as follows—and he need not go very far back to state how far the arrangements respecting this matter had proceeded, because he believed that only a week before that statement was made, he (Sir W. P. Wood), in answer to a question of the right hon. Baronet the Member for Ripon (Sir James Graham), made a statement similar to that which he was now about to make. He stated then, as he had now to repeat, that the report of the Chancery Commissioners was not laid before Her Majesty's Government till the 27th January. The House would recollect that they were summoned there for the 3rd of February. There was an interval, therefore, of only six days; but feeling extremely anxious that the measures which had been recommended by the Commissioners should be brought into effect in the course of the present Session, he had obtained the leave of the Commissioners to show to the late Lord Chancellor a sketch of the report which they were about to make about seven or eight days previously to its being actually made—that he had done so at the request of the late Lord Chancellor, who was desirous of carrying the recommendations of the Commissioners into full effect. The Lord Chancellor, therefore, having the substance of the report about, and only about, twelve days before the opening of Parliament, gave immediate directions to the gentleman who was the Secretary to the Commission (Mr. C. C. Barber) to prepare a Bill to carry the recommendations of the Commissioners into effect, stating, at the same time, that he had selected that gentleman because, from having acted as Secretary to the Commission, he would most probably be fully acquainted with the views of the Commissioners, and would be able to prepare a Bill with the greatest expedition, and also with the greatest accuracy, with reference to the wishes of the Commissioners. Now, that direction having been given, it was stated in Her Majesty's gracious Speech from the Throne that a Bill had been directed to be prepared; and it was this which made him the more anxious to make this statement on the present occasion, because certainly the most strange rumours had gone abroad, in consequence of what was alleged in that House, to the effect that Her Majesty's late Government had allowed it to be stated in the Speech from the Throne that a Bill had been directed to be prepared, when not a trace of that Bill could be found. But it was not correct that no trace of it could be found; for what took place? The Secretary of the Commission, being thus instructed, did begin to prepare a Bill. While it was in course of preparation, the Lord Chancellor occasioned a delay of a few days. It occurred to the Lord Chancellor that it might probably be better for the Commissioners themselves to prepare the Bill, and he directed the Secretary to inquire whether it would be agreeable to them to do so. That he did solely with the view of carrying more completely into effect the recommendations which had already been made. He (Sir W. P. Wood) was not present at the meeting of the Commissioners when that question was considered; but they came to the resolution that it was not part of the duty of the Commission to prepare a Bill, and that it would be better for Her Majesty's Government to prepare a Bill, and that the responsibility of the measure should not be thrown upon the Commissioners. As he stated, he (Sir W. P. Wood) was not present at the time that resolution was arrived at, but he fully approved of it. That answer was coupled at the same time with offers of a very courteous character from the Master of the Rolls and the two Vice-Chancellors, to the effect that, although they did not think it was right that the Commission should prepare a Bill, they were nevertheless prepared to give their individual assistance in every way to the gentlemen who might be appointed to prepare it. Having received that intimation, the Lord Chancellor renewed his directions immediately to Mr. Barber, the Secretary, to proceed with the Bill. The most material Clauses, those, for instance, recommending the abolition of the Masters' Offices, were first sketched out, and afterwards fully prepared. Being very anxious himself to forward the Bill as much as possible, he (Sir W. P. Wood) went through the heads of the Bill with Mr. Barber. He had approved of the heads as sketched out by Mr. Barber, and instructions were given to draw up the Bill in conformity with these heads. That was the state in which the Bill was on the day on which the division took place on the Local Militia Bill which led to their retirement from office. Now, he would ask whether it was fair that a Bill in that state, as to which no instructions could be given till twelve days before the meeting of Parliament—a Bill of considerable importance in its character, and the principal feature of which was the abolition of the Masters' Office—was it fair to say, with respect to a Bill in such a state of forwardness, that no trace of it could be found when Her Majesty's late Government left office? The principal feature of the Bill was to be the abolition of the Masters' Offices; and the clauses which provided for that reform had been actually drawn. It was not a party measure, and there was an earnest desire on all sides to expedite it. He begged to remind them that the Commission which had recommended that Bill was appointed by the late Government—that this desire to reform the Court of Chancery had emanated from them. His right hon. Friend the Master of the Rolls, before he accepted the office, renewed the Committee which was originally appointed to inquire into the fees of the Court of Chancery and Common Law, and which had been very effective in producing reforms in both, the result of which was the Bill which was then under the consideration of the House. Before his right hon. Friend had ceased to be Chairman of that Committee, he was appointed one of Her Majesty's law officers. In that capacity he brought in a most valuable Bill for the improvement of the Court of Chancery in Ireland. Having carried that Bill, he suggested the appointment of a Commission for inquiry into the Court of Chancery in England. The late Lord Chancellor immediately acceded to that request, and immediately appointed that Commission; and he (Sir W. P. Wood) must say that the gentlemen composing that Commission were chosen without the least reference to party position. They had the able assistance of the two present Vice-Chancellors, neither of whom, as it was well known, was of the same political opinions with the late Government: most able assistance had been rendered by them on that inquiry. In the course of that inquiry a proposition was made by the hon. and learned Member for Newark (Mr. J. Stuart) that two lay gentlemen should be added to the Commission. He described them as men of business. It was assumed that he meant commercial gentlemen, who it was not expected could be of very much service in aiding the Commission to come to a satisfactory conclusion with regard to Chancery matters. It proved, however, that he alluded to the right hon. Baronet the Member for Ripon (Sir J. Graham), and the right hon. Gentleman the President of the Board of Trade (Mr. Henley), and he was happy to say that, when this was understood, with the almost unanimous approbation of the House, those two Gentlemen were added to the Commission. He had no doubt then of the Bill prepared under such auspices being carried into effect; but he wished to state distinctly that the answer which he had given to the question of the right hon. Baronet the Member for Ripon, to the effect that the Lord Chancellor had given instructions for the preparation of that Bill, was made from his (Sir W. P. Wood's) own personal knowledge of the facts; and when he asserted that as a matter within his own knowledge, he did think that he had some right to complain of the statement, which he regarded as a sort of personal imputation, that no trace whatever was to be found of those proceedings which had been mentioned in Her Majesty's Speech in reference to Chancery reform. Had the late Government remained in office, the Bill would, in all probability, by this time be on the table of the House. He was fully aware of the difficulties of the new Government, and he was fully aware of the importance of reform in the Court of Chancery; yet, in the present state of public feeling, he thought there were other matters of more importance on which the people were most anxious to obtain a decision, and it certainly did not appear to him to be a question which ought to delay a dissolution. There was only one part of the speech of the present Lord Chancellor on the subject of the Bill in question which gave him (Sir W. P. Wood) some uneasiness; it was this: the suggestion of the noble Lord that certain buildings would be necessary, that it would be very desirable that the Vice-Chancellors and Master of the Rolls, who were now to act without the assistance of Masters, should have another room by their side, in which there should be a person with whom they could immediately communicate, and who would act towards them as a sort of chief clerk, to perform those duties now performed by the Masters. He did not at all differ from the views of the Lord Chancellor upon the desirableness of having such a room, but he certainly did think that so great a reform ought not to be delayed until a building of that sort could be provided. He knew the delay which awaited all reference to bricks and mortar. Even Lord Eldon, who was not said to be a very swift Judge, when he appointed a Vice-Chancellor, did not think it expedient to defer the appointment until a new Court was built, but the new Vice-Chancellor sat in the Committee rooms of the House of Commons. The two new Vice-Chancellors who had been subsequently appointed sat in the Committee rooms of the House of Commons. He hoped the Government would not find it necessary to depart from the Report, which had been very maturely considered, nor hesitate upon the question as to how the Judges were to carry that Report into operation without the assistance of the Masters. He trusted that in these observations it would not be considered that he was in the slightest degree influenced by regret that the carrying out of the intentions of the Commissioners had fallen into other hands. He confidently hoped that Her Majesty's present Government would carry into effect every one of the recommendations contained in the Report as soon as the new Parliament was assembled.

Mr. JOHN STUART would say a word on the very remarkable statement just made by the late Solicitor General. Nobody could for a moment doubt the accuracy of the matter-of-fact details delivered to the House by his hon. and learned Friend; but his object in rising was to correct a misapprehension into which his hon. and learned Friend seemed to have fallen. It was quite clear, from what the hon. and learned Gentleman had stated, that the late Government had in truth prepared no Bill with reference to Chancery reform, which their successors could have taken up; for the statement of his hon. Friend in substance was, that the Government had had no time to prepare a Bill—that they had no measure which they were prepared to bring in as a Government measure. According to his statement, the Report of the Commission was signed on the 27th of January, and that between that date and the opening of the Session, there was no time to prepare a great measure for remodelling the Court of Chancery; and accordingly, his hon. and learned Friend owned that no measure was prepared. But in the Queen's Speech the Government proclaimed that they had prepared a measure for the reform of the Court of Chancery. The preparation appeared to have been this: that the Government had not had time to prepare, for there was only a sketch of the report; that was the only measure of Chancery reform they left—the sketch of the Report. [Sir W. P. Wood: No, that is not so.] Yes; but that is so. The hon. and learned Gentleman and the Secretary of the Commission went through the Report, and there the matter was left. When the hon. Gentlemen went out of office, what they really left to their successors was not a complete measure, but a clever sketch, by two able men, namely, by Mr. C. Barber, Secretary to the Commission, and his hon. and learned Friend. It was not, therefore, by any means correct to say, the late Government had a measure prepared. That was an unintentional misrepresentation of his hon. and learned Friend. Neither was his hon. and learned Friend's history of the affair correct. He stated that the Master of the Rolls prepared a measure for reforming the Court of Chancery in Ireland, and that his notion of the success of that measure had induced him to propose the existing Chancery Commission. That was a mistake. In April, 1850—nine months before the Chancery Commission was appointed—he (Mr. Stuart) gave notice of a Motion for an Address to the Crown on the subject of Chancery reform, and especially with reference to the subject of preventing delay and expense in the Masters' Offices. That notice was given on the 15th April. At that time Lord Cottenham was on his sick-bed, and unable to attend to business, and the Master of the Rolls was not in good health. He (Mr. Stuart) communicated with these eminent individuals, and they wrote to him letters, now in his possession, begging him not to proceed with his Motion for appointing a Commission; that no good would result from it; and Lord Cottenham, in a kind and friendly note, begged he would wait until he (Mr. Stuart) saw some orders which were in course of preparation, and which he would send him a copy of in a few days, and which that noble and learned Lord said would remedy all the evils which it was the object of the Commission to cure. Lord Cottenham did issue those orders; but they failed of their intended effect; and the Commission, for the appointment of which he moved, was issued after Lord Truro became Chancellor. He (Mr. Stuart) moved, that upon that Commission two laymen in whom the public would have confidence might be placed, and that proposition, which was first rejected, was afterwards adopted; and the right hon. Member for Ripon, and the right hon. the President of the Board of Trade, were added.

Mr. FOX MAULE said, he could not congratulate the hon. and learned Gentleman on the fairness of his answer to his hon. and learned Friend. The object of his hon. and learned Friend was to explain to the House a statement which had been made to the House, that when the late Government left office, they left no traces of any steps having been taken to prepare a Bill, as was stated in the Speech from the Throne. Now, the words in the Queen's Speech were, not that She had ordered Bills to be laid on the table, but that She had ordered Bills to be prepared. Now, he would ask any candid person whether this Bill was not in the course of preparation, when the heads of it had been sketched by the Secretary of the Commission, revised by the Solicitor General, and handed to the Lord Chancellor?

Mr. HENLEY said, he should have been very unwilling to take any part in the discussion, if the hon. and learned Gentleman who commenced it had confined himself to an explanation of what he conceived to be a misapprehension. But the hon. and learned Gentleman took, or as it appeared to him (Mr. Henley), made, the opportunity of casting some doubts on what the present Lord Chancellor was about to do in this matter. Surely, that was altogether foreign to the subject of his explanation. Nobody mistrusted or doubted the sincerity of the late Government in reference to the recommendations of the Commission—the Commission was their own, and it was most natural that they should wish to carry out its views. The House would, however, recollect the remarkable words in Her Majesty's Speech. The announcement contained there was followed up by a notice from the Prime Minister, that he would bring in a Bill in so short a space of time, that every one who knew anything at all about the matter was taken by surprise. He believed no one was more surprised than the hon. and learned Gentleman himself at hearing that a Bill was to be brought in within ten days. Every one felt that unless it were to be done by magic, it was impossible. Such, however, was the fact. The hon. and learned Gentleman had stated, no doubt correctly, what instructions were given by the Lord Chancellor. Of course that was a matter which he (Mr. Henley) knew nothing about. He had stated also that some change of mind came over the Lord Chancellor, and that a communication was made through the Secretary to the Commissioners. Being a Member of the Commission, that, of course, came to his notice; and, as the hon. and learned Gentleman had thought fit to allude to the subject, there could be no impropriety in his doing so. He happened to be present at the Commission when that communication was made; and, certainly, whatever might have passed between Mr. Barber and the Lord Chancellor, the thing was then quite a white sheet—nothing was done. That was after the meeting of Parliament. For some reason or other, nothing had then been done towards the preparation of the Bill. His hon. and learned Friend had correctly stated what passed in the Commission; and so the matter was referred back again to the Lord Chancellor. But here, again, another matter came in. Questions, it would be recollected, on this report were put to Lord Truro in the House of Lords; and in reply his Lordship said he must take time to consider certain points, and they happened to be points on which the public felt most interested. On those points his Lordship would give no direct answer. This created great—he would not say mistrust, but—uneasiness in the public mind. It could hardly be expected that any great progress would be made with the preparation of the Bills when the head of the law had not, by his answers, satisfied Parliament that he had made up his own mind on the subject. Such was the state of the case up to the period when a change took place in the Government. Well, now, as to how far the preparations had proceeded up to that time, he could not speak precisely. He believed it had been said in some quarters that there were no traces of a Bill. Lord St. Leonards stated, he thought that he had found "heads of a Bill"—or something to that effect. What was reported in the matter was, however, hardly worth much discussion, considering what liability there was to misrepresentation. He regretted that the hon. and learned Gentleman should have thought it necessary to go into questions respecting buildings, and to instance cases in which delay might occur. That, he thought, was hardly worthy of the hon. and learned Gentleman; and he was extremely sorry that he should have cast mistrust on the present Government, when the present Government did not, in this respect, seek to throw doubt on the intentions of their predecessors.

House in Committee; Amendments made; Bill to be recommitted.

House resumed.

Mr. Henley

ST. ALBANS DISFRANCHISEMENT BILL.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Mr. JOHN STUART said, he had given notice for a Committee of Instruction, which involved a most important principle. After he had given notice of that Motion, however, he understood that Government had determined to bring in a Bill upon the very subject involved, namely, the disposition of four seats—the two for St. Albans and the two for Sudbury. If, therefore, he found the Government intended to bring forward such a measure, he should not ask the House to discuss that Amendment.

Mr. WALPOLE said, this was simply a Bill for the disfranchisement of the Borough of St. Albans; and the proposition for filling up the two seats thereby rendered vacant, as well as the two other seats left vacant since the disfranchisement of Sudbury, ought to be embodied in a separate and distinct Bill. The Government certainly intended to propose to the House a Bill giving those four Members to some place or places which they, in their judgment, should think best, so that the next Parliament should meet with the full complement of Members.

Mr. JACOB BELL hoped the House would not go into Committee at so late an hour of the evening, but, in justice to the borough of St. Albans, afford its representative an opportunity of explaining some of the peculiar circumstances in this case. Of course he had no wish to avoid explanation, having pledged himself to defend the interests of the borough, and if the House would give him a hearing, he should consider it his duty to proceed with the Amendments of which he had given notice. He thought, however, it was then too late, being past twelve o'clock, to enter into the question, and he begged to move that the debate be adjourned.

Motion made, and Question proposed, "That the Debate be now adjourned."

Motion, by leave, *withdrawn.*

Main question put, and agreed to; House in Committee.

Mr. JACOB BELL said, he held in his hand a petition from the borough of St. Albans, the substance of which he hoped the Committee would allow him to state. The petitioners asserted they were in a condition to prove that there were upwards of 200 electors unimplicated in the corruption unfortunately practised in the borough. They recognised the propriety of punishing the guilty parties, but thought it unjust that they should be included in that punishment, and they humbly prayed to be heard at the bar of that House by counsel. These much injured electors had been goaded to despair by the injury inflicted on them by the corrupt electors, and when they came to that House, naturally expecting redress, they found themselves involved in the same punishment as those who had been so long injuring them. His (Mr. J. Bell's) plea was somewhat different from that of the electors, as he was bound to defend the entire borough, and to urge in favour of the innocent parties their innocence, and in favour of the others the peculiar circumstances of the case. The object of the Bill was the prevention of acts of bribery and corruption at elections; if the Bill were calculated to obtain that object, by taking advantage of the St. Albans' inquiry, and if the disfranchisement of the borough had formed a necessary part of a comprehensive scheme for the purpose, he would not have had a leg to stand upon. But this Bill did not provide for the prevention of bribery throughout the kingdom; it confined its operation solely to that particular borough. Offences were generally punished, not to gratify vindictive feelings, but to serve as examples to prevent the recurrence of such offences in future. Now every individual in the kingdom was impressed with the conviction that St. Albans was doomed, and they had the opportunity of testing the effect that example had produced. But what was the fact? The Blaggs and Edwardses were in a state of activity in every borough in the Kingdom. Instead of stopping the system of corruption, they were rather encouraged by seeing that Government were determined to wreak their vengeance on St. Albans alone; the secrets elicited by the inquiry had put them up to new dodges, and it was generally expected that the coming election would be the most corrupt that had taken place for years. They would find that the opinion of Parliamentary agents and of the press. A large number of boroughs were in the market at various prices. It was not his intention to make any personal remarks. He attacked principles, and not individuals, and was as hostile as any one to a system of corruption. He would beg the Committee to consider whether the course which had been pursued would increase public respect. The attack on St. Albans was commenced by the late Government, and had been adopted by the new Government, whilst they had abandoned a measure of Parliamentary Reform. When the late Government evaporated by spontaneous decomposition, and left the vacuum to be filled up by the right hon. Gentlemen opposite, those right hon. Gentlemen had joined in the cry—the game having been hunted down by the former Government, their successors had come in to take the brush. The dissolution of Parliament was not to be thought of until St. Albans had been disfranchised. But another element had lately been introduced into the discussion, namely, the apropriation of the spoil. It was usual to withdraw jurors interested in the cause. Could the Government be impartial jurors in this question, when the disposal of two seats turned upon it? He heard nothing of the important Bill for preventing Corrupt Practices at Elections. He supposed that was to be deferred until the corruption had been put in practice. When hon. Gentlemen had settled accounts with their Edwardses and Blaggs, then would be the time to bring in a Bill to put a stop to Corrupt Practices at Elections. Two hon. Members had thanked the present Government for taking up the St. Albans Disfranchisement Bill, taking it as an earnest of future reform. He was surprised that they had not seen through the delusion; he feared it would turn out to be a settlement in full of all demands. He could find no seconder to his Amendment for postponing the second reading. If Vote by Ballot had been adopted on that occasion, he could have been quite sure of a large majority; but at the eve of a general election he could understand the delicacy of hon. Members, and their not wishing to appear to favour bribery and corruption. He sympathised with hon. Members who were in so delicate a position, although he himself was quite as much in need of sympathy. He had been used as a tool by the late Government, and was now being used as a tool by the present Government; but he had no objection to being used as a tool by any Government—provided always, by so being used, he conferred a benefit on the public. By the present Bill he did not consider that any benefit would be conferred on the public. On the contrary, he believed that the passing of this Bill would be holding up a cloak to screen not only acts which had been committed, but those which were in course of preparation at this moment. On that ground he felt no hesitation in opposing the Bill, although he was prepared to oppose corruption, which this Bill was intended to put a stop to, but which object it would not effect. It was his intention to propose as an Amendment the addition of certain places to the borough of St. Albans, enlarging the constituency to about 2,000.

MR. WALPOLE rose to order. The Amendment did not come within the title or scope of the Bill.

MR. JACOB BELL said, as the Amendment was out of order, he thought his best course would be to move that the Bill be read this day six months, for the purpose of introducing another.

The CHAIRMAN said, the latter Amendment was also irregular.

MR. JACOB BELL had little more to say. They must be convinced, from the facts which had come out during the inquiry, that they had all done that which they ought not to have done, and left undone that which they ought to have done. He considered the Bill unfair and unjust, and had felt it to be his duty to oppose it in every stage. No hon. Member knew how soon it might be his turn to be placed in a similar position.

Bill *reported;* as amended to be considered *To-morrow.*

REPAYMENT OF ADVANCES ACTS AMENDMENT (IRELAND) BILL.

The CHANCELLOR OF THE EXCHEQUER moved for leave to bring in a Bill to amend the Acts relating to the repayment of advances made to districts in Ireland. The object of the Bill was merely to recognise the Treasury Minute passed at the end of last autumn. It had been prepared by the late Government, and ought to be passed without delay. If hon. Gentlemen wished to have a discussion on the subject of Irish annuities, which was a subject of great importance, he should be quite ready to go into it fully on the second reading; but it was of great importance that this Bill should be proceeded with at once, as 75,000*l.* were now locked up, which might be placed at the disposal of the Irish poor.

SIR LUCIUS O'BRIEN considered the measure one of great importance, and hoped that an early day would be fixed for its discussion.

SIR HENRY BARRON said, this was a question of the greatest interest to the people of Ireland. It was most desirable to come to some definite arrangement, but not such an arrangement as was proposed by the late Government or by the present Bill. It was a cruel infliction to force this tax upon the people under the distresses which had been brought upon them by the Government and the Legislature. These were not loans in the proper sense of the term, but advances made at a season of distress, and were never placed under the control of the ratepayers. He thought that the Government was bound to state, at an early day, what were their intentions with regard to the collection of these debts; but certainly they ought not to adopt the plan contained in this Bill of the late Government.

SIR CHARLES WOOD said that the hon. Baronet appeared to labour under some misapprehension with regard to the Bill, which had been introduced for the purpose of remitting a portion of the payments due from the people of Ireland on account of advances. In the year 1847, 8,000,000*l.* was expended in the relief of distress. Of this sum 4,500,000*l.* had been actually granted, and the remainder, 3,500,000*l.*, was to be repaid at various intervals, extending over a period of forty years. The object of this Bill was to remit the payment of nearly 70,000*l.*

Leave given; Bill ordered to be brought in by Mr. Chancellor of the Exchequer and Mr. George Alexander Hamilton.

Bill read 1°.

The House adjourned at half after one o'clock.

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VOLUME CXIX.

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☞ When in the Text or in the Index a Speech is marked thus *, it indicates that the Speech is reprinted from a Pamphlet or some authorised Report.

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